

## **CHAPTER 2 ADMINISTRATION**

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### **ARTICLE I. IN GENERAL**

Cross Reference - Animal commissioner, Sec. 6-1; electrical commission, Sec. 8-37 et seq; plumbing code, Sec. 8-110 et seq; civil defense organization, Sec. 10-2; elections and ward boundaries, Sec. 12-1 et seq; fair housing commission, Sec. 13-5 et seq; fire department, Sec. 14-1 et seq; fire chief, Sec. 14-3 et seq; assistant fire chief, Sec 14-7; fire inspector, Sec. 14-9; assistant fire inspector, Sec. 14-10; health department, Sec. 18-1; board of health, Sec 18-5 et seq; board of directors for library, Sec. 20-3 et seq; interference with City employees prohibited, Sec. 22-23; City marshal and deputies, Sec. 27-35 et seq; police department, Sec. 26-54 et seq; police chief, Sec. 27-57 et seq; director of traffic control, Sec. 27-62 et seq; dispatcher, Sec. 27-65 et seq; taxation. Sec. 31-1 et seq; parking commission, Sec. 32-188 et seq; water pollution control department, Sec. 34-15 et seq; superintendent of sewage and treatment works, Sec. 34-19.

#### **Sec. 2-01. Fiscal year.**

The fiscal year of the City shall commence on the first day of May in each year, and terminate on the thirtieth (30) day of April of the succeeding year. (Code 1965, Sec. 4.03) (Ord No. 89-24, Sec. 1, 7-3-89)

#### **Sec. 2-01.1. Authority to issue tickets and citations.**

For the purpose of the enforcement of the provisions of this Code and other ordinances of the City, members of the Police Department and department heads and their assistants shall have the authority to issue tickets and citations for violation of such provisions of this Code or ordinances. For purposes of this section, department heads shall include, in addition to the chiefs of the fire department and the police department, the following officers: health officer, superintendent of the department of sewage and sewage treatment, animal commissioner and parking administrator.

#### **Sec. 2-02. Bonds required from City officers.**

Before entering upon the duties of his office, a City officer shall execute a bond to the City, with sureties to be approved by the City Council. The bond shall be conditioned upon the faithful performance of the duties of the office and the payment of all money received by such officer, according to law and the ordinances of the City, and shall be payable to the City in the following penal sums for the offices indicated:

(1)	Mayor	\$3,500.00	
(2)	City Clerk	\$5,000.00	
(3)	City Treasurer. (An amount of money notless than three (3) times the latest federal census population or any subsequent census figure for Motor Fuel tax purposes.)		
(4)	Collector of special assessments	\$10,000.00	
(5)	Corporation Counsel	\$1,000.00	
(6)	Chief of Police and each member of	\$500.00	the Police Department.
(7)	Fire Chief	\$500.00	
(8)	Superintendent of Environmental Services Utility	\$500.00	
(9)	Assistant Superintendent of Environmental Services Utility		
\$1,000.00			
(10)	Health Officer	\$500.00	
(11)	Superintendent of sewage andsewage treatment		\$10,000.00
(12)	City electrician	\$500.00	
(13)	Members parking commission	\$500.00	
(14)	Comptroller. (An amount not less than three (3) times the latest federal census population or any subsequent census figure used for motor vehicle tax purposes.)		
(15)	Plumbing inspector	\$1,000.00	

(Code 1965, Sec. 4-10; Ord. No. 77-34, Sec. 1, 5-16-77; Ord. No. 78-25, Sec. 4, 7-24-78)

State law reference - Bonds required for municipal officers, Ill. Rev. Stat. Ch. 24 Sec. 3-14-3.

Editor's note - Ord. No. 78-25, Sec. 4 adopted July 24, 1978, amended Sec. 2-2 by adding a subsection (14), which the editor has redesignated subsection (15) inasmuch as Ord. No. 77-34, Sec. 1, adopted May 16, 1977, had previously added a subsection (14).

**Sec. 2-03. Additional or new bond required when old bond insufficient.**

The City Council may require any officer who is required by law to give an official bond, to furnish additional security or execute a new bond whenever the security of the original bond has become insufficient by the insolvency, death or removal of the sureties, or any of them, or when for any cause such bond shall be deemed insufficient. Any officer who fails to furnish additional security, or give a new bond, when so required by the Council, within ten (10) days after he is notified in writing of such requirement, shall be deemed to have vacated his office. (Code 1965, Sec. 4-11)

**Sec 2-04. Duty of City Officers to make reports.**

Officers of the City shall, in addition to the reports required to be made by them, report in writing to the Mayor, when so required, the condition and business of their respective offices or departments, and all matters therein touching the interests of the City. All such officers shall, when requested, give all the information in their power pertaining to their offices, to the Mayor, the City Council or any committee thereof. (Code 1965, Sec. 4.11)

**Sec. 2-05. Liability of City Officers for negligence.**

Officers shall be liable to the City for all loss or damage that may result thereto from their negligence or willful misconduct in the discharge of any official duty. The City Council may, in its discretion, by order, withhold the salary of any such officer in order to secure the City from loss. (Code 1965, Sec. 4.11)

State law, reference Local Government and Government Employees Tort Immunity Act, Ill. Rev. Stat. Ch. 85, 1-101 Sec. et seq.

**Sec. 2-06. Vacancy of office by City officer or alderman.**

If the Mayor, or other City officer, shall, during his official term, remove beyond the limits of the City, his office shall thereby become vacant. If any alderman shall remove from the ward in and for which he was elected, his office shall thereby become vacant. (Code 1965, Sec. 4.11).

State law reference-Vacancies by officers, Ill. Rev. Stat. Ch. 24, Sec. 3-7-2.

**Sec. 2-07. Leaves of absence for City Officers.**

Any officers who may desire to be temporarily absent from the City, shall apply to the City Council, if in session, or, if not, to the Mayor, for leave of absence which may be granted by the Mayor, for any time not exceeding one (1) month, and by the Council for any time not exceeding three (3) months. Any officer who shall absence himself from the City for more than one (1) week, without obtaining such leave of absence, shall incur a penalty of twenty-five dollars (\$25.00) for every such offense. (Code 1965, Sec. 4.11).

**Sec. 2-07.1. Commencement of terms and date of inauguration of City Officers.**

- (a) The terms of elected municipal officers of the City shall commence at the first regular City Council meeting in the month of May following the proclamation of the results of the regular municipal election at which such officers were elected during the month of April.
- (b) The date of inauguration of newly elected officers of the City, following the proclamation of the results of the regular municipal election held in April, shall be fixed as the first regular meeting of the City Council in the month of May following such election. (Ord. No. 81-8, Secs. 1,2, 3-16-81)

Editor's note - Ord. No. 81-8, Secs. 1,2, adopted March 16, 1981, enacted provisions codified as Sec. 2-7.1 above. Since said ordinance did not specifically amend the Code, the manner of codification has been at the editor's discretion.

**Sec. 2-08. Removal of City officers.**

- (a) Whenever any charge is preferred against any alderman, or other officer of the City upon which action may be taken by the City Council, the same shall be referred to an appropriate standing or special committee of that body, whose duty it shall be to examine and report as to whether such charge is well founded or not, and such committee may, when deemed necessary, be empowered to send for persons and papers.
- (b) It shall be the duty of the City Clerk to issue summons, signed by the Mayor, for all witnesses and the production of all papers that may be required before the Council, or any committee thereof, and deliver the same to the Chief of Police or any police officer, who shall serve such summons by reading or delivering a copy thereof to the person summoned, and make return in what manner has executed the same. No person shall neglect or refuse to appear or testify when so summoned, or to produce any papers in his possession or under his control pertaining to any such investigation by the City Council, or any committee thereof. (Code 1965, Sec. 4.12)

State law references- Removal of City officers by Mayor. Ill. Rev. Stat. Ch. 24, Sec. 3-11-1; removal of municipal officers for misconduct. Ch. 24, Sec. 3-14-5.

**Sec. 2-09. Duty of City Officers to turn over books, records, etc. to successor.**

Upon the expiration of their term of office, or their resignation or removal, all City officers shall deliver to their successors in office, all books, records, equipment and property of every description, in their possession, belonging to the City or pertaining to their office.

**Sec. 2-10. Maintenance responsibility for City property.**

- (a) Department heads. The department head of the respective departments shall be the official custodian to the buildings and grounds used by his department.
- (b) Chief of Police. The Chief of Police shall be custodian of the parking areas of the City hall and adjacent grounds of the City jail.
- (c) Fire Chief. That portion of the City hall occupied by the fire department shall be under the jurisdiction and custody of the fire chief and he shall also be custodian of all other buildings used by the Fire Department.
- (d) Librarian. The City librarian shall be custodian of the City library and grounds and other property used or related to the library. (Code 1965, Sec. 4.16)

**Sec. 2-11. Maintenance man generally.**

The position of maintenance man for the City Hall building and grounds is hereby created. The Mayor shall appoint such a person. (Code 1965. Sec. 4.16)

**Sec. 2-12. Maintenance supervisor generally.**

The position of maintenance supervisor of mechanical equipment is hereby created. It shall be the duty of such supervisor to mechanically maintain all of the equipment owned by the City used by the police, fire and street and alley departments. His duties shall be performed under the direction of the Mayor. (Code 1965, Sec. 4.16)

**Sec. 2-13. Sick leave and vacation periods for City employees.**

- (a) All full-time City employees shall be allowed during the space of the calendar year computed from their first day of employment a period of ten (10) days paid sick leave. This section shall be construed to mean that full-time City employees are those employed in a full-time capacity by the City working minimum of forty (40) hours per week, and shall not apply to part-time or temporary help. Part-time or temporary help shall not receive paid sick leave or paid vacation time. The ten (10) days allowed as paid sick leave time shall not be accumulated and upon the expiration of a calendar year, shall not be added or tacked on to the ensuing year for any purpose. All full-time City employees shall receive, after one full year of service, a paid vacation in the amount of one calendar week or a period not to exceed seven (7) days. After two (2) years of service by any City full-time employee, a period not to exceed two (2) calendar weeks shall be allowed as a paid vacation. After fifteen (15) years of service by any full-time City employee, a paid vacation not to exceed three (3) calendar weeks shall be allowed. After twenty (20) years of service by any full-time City employee, a paid vacation not to exceed four (4) calendar weeks shall be allowed.
- (b) This section shall not apply to those employees of the City who are covered under another contract of employment with the City which established sick pay and vacation periods under the terms of such contract. (Code 1965, Sec. 4.18)

**Sec. 2-14. Datum established; elevations for grades of streets, sidewalks, etc.**

- (a) The City of Kankakee datum plane is hereby established to be 200.93 feet below the top of the bronzemarking tablet, United States Geological Survey Bench Mark (658.49) located at the southeast corner of the south entrance to the Kankakee Post Office near the southeast corner of Block 13, Original Town, City of Kankakee, Illinois.
- (b) Elevations for curbs, sidewalks, pavements and sewers shall be constructed to grades as determined from the City of Kankakee datum plane or the United States Geological Survey Datum Plane. (Code 1965, Sec. 16)

Cross Reference-Grades for sidewalk construction, Sec. 29-122 (Code 1965, Sec. 16)

**Sec. 2-15. No issuance of permit to applicant indebted to City.**

No permit required by this Code including permits for sewer service, a building permit, electrical permit or plumbing permit shall be issued to any person who is indebted to the City, or to any department thereof, or who is indebted to the City for any fine or penalty adjudged against such person for the violation of any ordinance of the City, unless indebtedness or the fine penalty is first paid.

Cross Reference - No issuance of license to applicant indebted to City, Sec. 21-2.

**Sec. 2-16. Manner and method of publication of treasurer's annual account of monies received and expenditures incurred during preceding fiscal year.**

- (a) The City Clerk on or before September 1, of each year shall cause to be published at least once in a newspaper of general circulation in the City of Kankakee, Illinois, a notice of filing by the municipal treasurer of an account of all monies received and expenditures incurred during the preceding year in a form substantially as set forth in the following subsection of this section.
- (b) The form of notice required by this section shall be substantially as follows:

STATE OF ILLINOIS                     )  
  ) Notice of filing of  
COUNTY OF KANKAKEE  
  ) Treasurer's Annual Account  
CITY OF KANKAKEE                    )

Please take notice that the annual account of all monies received and expenditures incurred during the preceding fiscal year has been filed in my office by the City Treasurer of City of Kankakee, Illinois. Copies of said account with detailed receipts and expenditures are available for inspection in the City Clerk's Office, City Hall, 385 E. Oak St., Kankakee, Illinois, between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday.

Said account reflects total balances as follows:

Beginning balance May 1, 19__	\$	
Monies received May 1, 19__ to April 30, 19__		\$
Exp. incurred May 1, 19__ to April 30, 19__	\$	
Balance April 30, 19__		\$

Dated\_\_\_\_\_, 19\_\_.  
City Clerk

- (c) The publication of the notice required by this section shall be in lieu of the publication requirements of Section 3-10-5.1 of Chapter 24, Illinois Revised Statutes, 1971, and upon filing of said account with the county collector as required by Chapter 24, Section 3-10-5.2, the Clerk's affidavits shall state said notice has been published as required by this section under the home rule powers of the City of Kankakee, Illinois.
- (d) Any public officer who fails, neglects or refuses to discharge any duty imposed on him by subsections (a)--(c) of this section, or who violates any provisions of subsections (a)--(d) of this section, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). (Ord. No. 73-61, Sec. 4, 9-4-73).

**Sec. 2-17. Probationary period for qualifying for employee participation in Illinois Municipal Retirement Fund.**

That Ordinance No. 75-28 and Chapter 2, Section 2-17 be and hereby are repealed retroactive to April 21, 1975. (Ord. 90-49, Sec. 1-2; 9-17-90)

Editor's note. Ord. No. 75-28 did not expressly amend this Code, hence codification of Secs. 1-3 as Sec. 1-17 was at the discretion of the editors.

**Sec. 2-18. Establishing employment rights for employees of the City of Kankakee called to active duty with the Armed Forces.**

The following provisions will apply to all employees of the City of Kankakee who are called to active duty with the Armed Forces:

- (a) A military leave of absence will be granted to the employee.

- (b) The employee will receive the net difference between his military and civilian pay.
- (c) The employee's job will remain open for a period of four years, or if service of the employee is extended at the government's request and convenience, for up to five years total.
- (d) Continuation of health insurance benefits will be treated as other unpaid leaves of absences as established by the policy of the City of Kankakee at the applicable time.
- (e) Health insurance coverage will be provided immediately upon the employee's return to his job, without a waiting period subject to the terms of any then existing policy in force and effect.
- (f) Benefits that accrue by virtue of continued employment will accrue during a military leave of absence.
- (g) Employees will be treated as if they had never left with respect to compensation, benefits, seniority, promotions, etc.
- (h) Any and all other provisions of The Veterans' Reemployment Rights Act are hereby incorporated by reference into this Ordinance. (Ord. No. 91-03, Sec. 1, 1-22-91)

**Sec. 2-19 Electronic Attendance at Meetings Rules.**

The City of Kankakee, Illinois hereby adopts the Electronic Attendance at Meetings Rules, see the City Clerk's Office, that permits a member of the public body to attend any meeting of a public body as defined in the Open Meetings Act via electronic means. (Ord 09-25)

**Sec. 2-20 - 2-25. Reserved.**

**ARTICLE II. CITY CLERK**

**Sec. 2-26. Duties at Council meetings.**

\*Cross Reference-Clerk's duties relative to publication of treasurer's annual account of monies received and expenditures incurred, Sec. 2-16.

State law reference-Election, Ill. Rev. Stat. Ch. 24, Sec. 3-10-7 et seq.

- (a) The City Clerk shall attend all meetings of the City Council, and shall keep in a suitable book, to be styled the "Record of the City Council" a full and faithful record of its proceedings. He shall issue and cause to be served upon the aldermen, notices of all special meetings of the City Council.
- (b) The City Clerk shall, without delay, upon adjournment of the Council, deliver to the several committees of that body and to the officers of the corporation, all petitions, communications, reports, resolutions, orders, claims, and other papers, referred to those committees or officers by the Council. He shall also, without delay, deliver to the Mayor all ordinances or resolutions in his charge, which are required to be approved or otherwise acted upon by the Mayor. (Code 1965, Sec. 4.02).

**Sec. 2-27. Duty to prepare documents.**

The City Clerk shall prepare all commissions, licenses, permits, and other official documents required to be issued by him, under the laws and ordinances of the City, and shall attest the same with the corporate seal. He shall in like manner, attest all deeds for the sale of real estate owned and conveyed by the City. (Code 1965, Sec. 4.02).

**Sec. 2-28. Appointment of deputy.**

The City Clerk may, when necessary, appoint a deputy, who, during the temporary absence or disability of the Clerk, shall be empowered to perform all the duties of the Clerk. (Code 1965, Sec. 4.02).

State law references - Authority to appoint deputy Clerk, Ill. Rev. Stat. Ch. 24, Sec. 3-6-3; deputy Clerk generally, Ch. 24, Sec. 3-10-9.

**Sec. 2-29. Record keeping.**

The City Clerk shall carefully preserve in his office all books, records, papers, maps and effects of every description, belonging to the City and pertaining to his office. Upon the expiration of his official term, he shall, on demand, deliver all such books, records, papers and effects to his successor in office. (Code 1965, Sec. 4.02)

**Sec. 2-30. Compensation for the position of City Clerk**

The salary of the full-time Clerk of the City of Kankakee, Illinois shall remain the same as specified in Ordinance 2008-59, passed October 6, 2008, except the Clerk shall not receive any stipends for FOIA Officer, whose duties are being done by a City Consultant or the Corporation Counsel, or for the Safety Committee, the duties of which are being done by the Human Resources Director. (Ord. 2020-98, 10/19/2020)

**Sec. 2-31 - 2-39. Reserved.**

### **ARTICLE III. CITY COUNCIL**

\*State law references-Election, Ill. Rev. Stat. Ch. 24, Sec. 3-4-1 and 3-4-7 et seq.; City Council, generally, Ch. 24, Sec. 3-11-9 et. seq.

**Sec. 2-40. Meetings generally.**

- (a) Regular meetings. The regular meetings of the City Council shall be held on every first and third Monday of each month at 7:00 p.m. When the first or third Monday falls on a public holiday, the Council shall meet at the same hour on the next day following. Adjourned meetings may be held at such time as may be determined by the Council. The day and time of a regular meeting may be changed by resolution adopted by the City Council.
- (b) Special meetings. Special meetings of the Council may be called by the Mayor or any five (5) or more aldermen by filing a request therefore in writing with the City Clerk, specifying the purpose for which such special meeting is called and directing the City Clerk to notify the members of the Council of the time, place, and purpose of such meeting. No business shall be transacted at such special meeting except that specified in the request, unless by unanimous consent of a quorum of the Council.
- (c) Place of meeting. The Council shall meet in the Council room in the City hall building, located at the northwest corner of North Indiana Avenue and East Oak Street. (Code 1965, Sec. 3.01; Ord. No. 80-84, Sec. 1, 12-15-80; Ord. No. 90-22, Sec. 1, 5-7-90).



**Sec. 2-40.1. Smoking prohibited in City Council Chambers.**

Smoking shall be prohibited in the City Council Chambers of the City of Kankakee, Illinois. (Ord. No. 83-32, Sec. 1, 718-83).

Editor's note - Ordinance No.83-32, Sec. 1, adopted July 18, 1983 was non-amendatory of the Code; hence, codification herein as Sec. 2-40.1 was at the discretion of the editor.

**Sec. 2-41. Quorum, absences, and penalty for absences.**

A majority of the aldermen elected to the City Council shall constitute a quorum for the transaction of business. If for any reason a quorum of the Council shall not appear at any regular or special meeting, the Mayor shall forthwith cause a summons to be served by any person authorized to serve a summons upon the members of the Council who do not appear or remain at such meeting, requiring such absent members to appear forthwith at such meeting or show cause why they should not be subject to the penalties provided in this section. If it appears from the return of the officer serving the summons, or otherwise, that the absence of such member from such meeting is not the result of sickness, unavoidable accident or leave or absence previously given to such absent member by a vote of the Council, such absent member shall be subject to a penalty of twenty-five dollars (\$25.00) and to a like penalty for every meeting he shall thereafter so neglect or refuse to attend. This section shall not apply to members of the Council absent from the City at the time any special meeting of the Council may be called. (Code 1965, Sec. 3.01).

**Sec. 2-41.1. Department heads attendance at City Council meetings.**

The following department heads shall be required to attend all regular and special meetings of the City Council: Chief of Police, Fire Chief, Superintendent of Environmental Services Utility, Comptroller, Code Official and at least one of the City Attorneys, or each and all of them if they have matters on the agenda before the Council. The attendance of all other department heads is required only if their respective departments have matters on the agenda before the Council. Those department heads who are required to attend all meetings, or whose attendance is required due to business before the Council, shall only be excused from attendance for sickness, unavoidable accident or absence from the City. (Ord. No. 72-32 Sec. 1,9-5-72. Ord. No. 89-48 Sec. 2-41.1) (Ord. No. 03-80)

Editor's note- Ord. No. 72-32, Sec. 1, amended this Code by adding provisions designated Sec. 2-41A. Said provisions redesignated as Sec. 2-41.1 to conform with the numbering system in this Code.

**Sec. 2-42. Compensation for Position of Alderman.**

The salary of the Alderman of the City Council of the City of Kankakee, Illinois shall remain the same as specified in Ordinance 2008-59, passed October 6, 2008. (Ord. 2020-98, 10/19/2020)

**Sec. 2-43. Order of business.**

At a meeting of the City Council, the Mayor shall take the chair at the appointed hour, and call the members to order. The roll shall be called, and if a quorum is present, he shall cause the journal of the last meeting to be read. The Council shall then proceed to the business before them, which shall be conducted in the following order:

- (1) The reading of the journal of the last meeting. Amendments and approval of the same; the journalstanding approved unless objected to.
- (2) Receiving petitions.

- (3) Receiving written communications.
- (4) Reports of standing committees.
- (5) Reports of select committees.
- (6) Reports of officers.
- (7) Unfinished business of previous meetings.
- (8) New business.
- (9) Motions and resolutions.
- (10) Adjournment. (Code 1965, Sec. 3.02)

**Sec. 2-44. Council procedure.**

- (a) Speaking on the question. No member shall speak more than twice on the same question without unanimous consent of the City Council, nor more than once until every member wishing to speak shall have spoken. Speeches on all questions shall be limited to ten (10) minutes.
- (b) Voting. Every member present when a question is taken, shall vote, unless excused by the Council, or unless he may be directly interested in the question, in which case he shall not vote. Every motion shall be reduced to writing if the Mayor or any member desires it.
- (c) Question to be stated. Every question or motion when seconded shall be stated by the Mayor distinctly before it is open for debate. The Mayor may call any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.
- (d) Votes to be recorded. If any member requires it, the ayes and nays upon any question shall be taken and entered on the journal.
- (e) Motion to lay on the table. A motion to lay on the table simply shall not be debatable, but a motion to lay on the table with any condition shall be subject to amendment and debate.
- (f) Clerk to forward papers. The City Clerk shall forward all papers to the appropriate committee and officers, as early as the third day after the reference shall have been made.
- (g) Ordinances to be read. Every ordinance shall be read when introduced, and lie over until the next regular meeting of the City Council.
- (h) Reconsideration of motions. When a motion has once been carried in the affirmative or negative, it shall be in order for any member who voted on the side which prevailed, to move for a reconsideration thereof at the same meeting of the City Council, but not at any time thereafter, but no question that has been once decided and reconsidered, and decided a second time, shall again be considered.
- (i) Written communications. Written communications received by the City need not be read in full, but the City Clerk may report the substance thereof only to the Council and thereafter the Mayor may refer to communication to the appropriate committee; provided, however, that any such communication shall be read in full and separately acted upon by the Council if so requested by the Mayor or any member of the

Council. Upon completion of the reading or reporting of all communications, a motion shall be made and a vote taken relative to the referrals of the communication made by the Mayor.

- (j) Referral to committee. When any new matter is introduced at any meeting, it shall be referred by the Mayor without discussion to the appropriate committees, and lay over until the next meeting, unless by the consent of two-thirds (2/3) of all of the members of the Council, the same shall be taken up for immediate consideration.
- (k) Claims against the City. No claim shall be allowed unless it has been filed in the office of the City Clerk on or before the Thursday preceding the date that it is to be presented to the Council for its approval. This rule shall not apply to the regular semi-monthly payroll of the officers and employees of the City, or to the payment of claims which are authorized to be paid by special resolution.
- (l) Addressing the Council. No person not a member of the Council, except City officials, elective or appointive, shall have the privilege of addressing the Council without consent of two-thirds (2/3) of all members present.
- (m) Robert's Rules of Order. In all matters not particularly specified in the above rules, the Council shall be governed by "Robert's Rules of Order" for parliamentary and legislative practice.
- (n) Conduct of visitors. No person, acting for himself or another, shall be allowed upon the floor of the Council (meaning that portion in front of the railing) while any legislation is pending before the Council in which the above mentioned parties are interested.
- (o) Councilmen not to leave seats. No member of the Council shall leave his seat during a Council meeting without first obtaining permission of the chair.
- (p) Changes in procedure. These rules of procedure shall not be repealed, altered, amended or suspended, unless by the concurrence of two-thirds of all the aldermen elected.
- (q) Petitions, applications, requests presented to the City Council. Any petitions, applications or requests to be presented to the City Council at its regular meeting must be filed in the office of the City Clerk at or before five p.m. on Wednesday preceding a regular City Council meeting. (Code 1965, Sec. 3.03; Ord. of 5-15-67, Sec. 1; Ord. 95-27, 5-1-95).

## **Sec. 2-45 Standing committees generally.**

- (a) That standing committees of the City Council shall be composed of not less than three (3) members, and shall be appointed by the members of the City Council annually, on or before May 15th of each year; and the first person named in the committee shall be the chairman thereof. In the absence of the chairman, his designee of the committee shall act as chairman.
- (b) The following standing committees shall be annually appointed:
  - (1) Budget (Finance)
  - (2) Environmental Services Utility
  - (3) Community Development and Community Relations (Community Development Agency, Public Relations, and Planning).

- (4) Ordinance and Judiciary
- (5) License and Franchise
- (6) Public Safety (Police & Fire)
- (7) Planning & Code Enforcement (No. 1-7 amended per Ord 03-80, Sec. 3,4)

(Code 1965 Sec. 3.04, No 71-22, Sec. 1, 5-17-71; Ord. No. 73-39, Sec. 1, 5-7-73; Ord. No. 77-35, Sec. 1, 5-16-77; Ord. No. 78-22, Sec. 1, 6-5-78; Ord. No. 81-17, Sec. 1, Ord. No. 86-22, Sec. 1, 5-12-86, 4-20-81; Ord. 89-22, Sec. 1, 6-5-89).

Cross Reference--Duties of public relations committee regarding affirmative action program, Ch. 3 1/2-6. Ord. repealed by Ord. 89-45).

**Sec. 2-45.1** is hereby amended to read as follow:

**Sec. 2-45.1 Compensation for Chairman of Budget; Public Works; License and Franchise; and Public Safety Committees.**

Alderspersons shall not be entitled to any additional compensation, other than specified in Section 2-42. (Ord. 2020-98, 10/19/2020)

**Sec. 2-46. Committee procedure.**

- (a) Subparagraph (a) deleted. (Ord. 89-22, Sec. 2,6-5-89)
- (b) Reports. All reports of committees shall be addressed to the City Council. All standing or select committees to whom any matter may be referred shall report thereon in writing as soon as the third regular meeting of the Council after any such reference shall have been held. The report shall be signed by a majority of the committee.
- (c) Action to be deferred. Any report of a committee of the Council shall be deferred for final action thereon, to the next regular meeting of the same after the report is made, upon the request of any two (2) aldermen present.
- (d) Data to be attached. Every committee of the Council in reporting upon any subject referred to them, shall attach to their report, all papers or documents in the possession of the committee, relative to the matter referred. (Code 1965, Sec. 3.04).

**Sec. 2-47. Budget committee; powers and duties.**

Editor's note--Section 2-47 "Finance committee generally," was repealed by Sec. 1 of Ord. 77-37, adopted May 16, 1977. Formerly Sec. 2-47 was derived from Code 1965, Sec. 3.06

The budget committee of the City Council shall have the following powers and duties:

- (1) Permit, encourage and suggest the use of efficient planning, budgeting, auditing, reporting, accountingand other fiscal management procedures in all municipal departments, commissions and boards.

- (2) Compile an annual budget.
- (3) Examine all books and records of all municipal departments, commissions and boards which relate to moneys received by the municipality, municipal departments, commissions and boards and paid out by the municipality, municipal departments, commissions and boards, debts and accounts receivable, amounts owed by or to the municipality, municipal departments, commissions and boards.
- (4) Obtain such additional information from the municipality, municipal departments, commissions and boards as may be useful to the budget committee for purposes of compiling a municipal budget, such information to be furnished by the municipality, municipal departments, commissions and boards in the form required by the budget committee. Any department, commission board which refuses to make such information as requested of it available to the budget committee, shall not be permitted to make expenditures under any subsequent budget for the municipality until such municipal department, commission or board shall comply in full with the request of the budget committee.
- (5) Initiate, maintain and monitor such procedures as shall ensure that no expenditures are made by the municipality, municipal departments, commissions or boards except as authorized by the budget, (Ord. No. 77-42, Sec. 1, 5-16-77)

**Sec. 2-48. Committee for buildings and grounds generally.**

The Mayor shall appoint a committee of not less than three (3) aldermen to be known as public grounds and buildings committee. The first member so designated shall be the chairman of the committee. The committee shall have jurisdiction over the public buildings and real estate owned by the City and shall approve and authorize expenditures for repairs, renovations, maintenance, upkeep and improvements of the buildings and grounds within the limits of expenditures specified by the City Council. (Code 1965, Sec. 3.07).

**Sec. 2-49 -2-57. Reserved.**

## **ARTICLE IV. CITY TREASURER**

**Sec. 2-58. Making the office of City Treasurer appointed.**

As established by the City Council of the City of Kankakee, the office of Treasurer of the City of Kankakee shall immediately become an appointed position, the vacancy for which shall be filled in accordance with the laws of the State of Illinois and the ordinances of the City of Kankakee previously established. (Ord. 94-31, 6-6-94)

**Sec. 2-59. Powers and duties - City Treasurer**

\*State law references- Election, Ill. Rev. Stat. Ch. 24, Sec. 3-4-1 et seq.; duties of municipal treasurer, Ch. 24, Sec. 310-1 et seq.

- (a) The City Treasurer shall receive all monies belonging to the City, and shall keep a separate account of each fund, appropriation, and the debits and credits belonging thereto. He shall give to every person paying money into the City treasury a receipt therefore, specifying the date of payment, and upon what account paid and he shall file copies of such receipts with the City Clerk, at the date of his monthly reports.

- (b) The Treasurer shall keep an accurate register of all warrants redeemed and paid by him, showing the number, date and amount of each, the fund from which paid, and the name of the person to whom and when paid; and he shall cancel all warrants as soon as redeemed by him.
- (c) It shall be the duty of the treasurer to report to the City Clerk, whose duty it shall be to immediately report to the Council, any officer authorized to receive money for the use of the City who may fail to make a return of the monies received by him at the time required by law or ordinance.
- (d) The Treasurer shall keep his books and accounts in such manner as to show with entire accuracy all monies received and disbursed by him for the City, stating from whom and on what account received, and to whom and on what account paid out, and in such way that the books and accounts may be readily investigated and understood. The same, together with all files and papers of his office, shall be at all time open to examination by the Mayor, or the finance committee of the Council.
- (e) The Treasurer shall at the end of each month, and more often if required, render an account to the Council, showing the state of the City treasury at the date of such account, and the balance of money in the treasury. He shall accompany such account with a statement of all monies received into the treasury, and on what account received, together with all warrants redeemed and paid by him during the preceding month, which warrants, with any and all vouchers held by him, shall be delivered to the City Clerk, and filed with his accounts in the Clerk's office, and he shall return all warrants paid to him, stamped or marked "paid". (Code 1965, Sec. 4.04)
- (f) The Treasurer may delegate all of the above duties and any other duties imposed upon said Office, by Ordinance or Statute, to the Comptroller of the City of Kankakee. (Ord. No. 98-46, Sec. 1, 6-1-98)

**Sec. 2-60. Procedure for lost or destroyed warrants.**

When any City warrant is lost or destroyed so that it cannot be presented to the treasurer for payment by the person entitled thereto, such person shall apply by petition to the Council for relief, and the Council may order the City Clerk to issue a duplicate warrant to the person so entitled to payment, upon his filing an affidavit of the loss or destruction of the original, and giving bond and security to the City to refund the amount of such warrant, and pay all costs, in case the original or lost warrant should be presented and the City is compelled to pay the same. (Code 1965, Sec. 4.04)

**Sec. 2-61-2-70. Reserved.**

## **ARTICLE V. COLLECTOR OF SPECIAL ASSESSMENTS**

\*State law references--Appointment of collector, Ill Rev. Stat. Ch. 24, Sec. 3-7-1; functions and duties, Ch. 24, Sec. 311-25 et seq.

**Sec. 2-71. Office of special assessments created.**

The office of collector of special assessments for local improvements is hereby created, which office shall be held by the City Comptroller. (Code 1965, Sec. 4.05; Ord. No. 83-30, Sec. 1, 7-5-83)

**Sec. 2-72. Reserved.**

Editor's note--Section 2-72, providing for the appointment and term of the collector of special assessments and derived from Sec. 4.05 of the City's 1965 Code was repealed by Sec. 1 of Ord. No. 83-30, adopted July 5, 1983.

**Sec. 2-73. Disposition of collected moneys.**

The collector shall turn over all moneys in his hands collected once each day to the City treasurer, and file his statement of all moneys collected by him under oath every thirty (30) days. The collector shall, as often and at any time when requested by the Council, turn over the money collected by him to the City treasurer, with a like statement under oath. (Code 1965, Sec. 4.05; Ord. No. 75-55, Sec. 1, 11-3-75).

**Sec. 2-74 - 2-83. Reserved.**

**ARTICLE VI. CONSULTING ENGINEER**

**Sec. 2-84. Duty to submit plans, estimates, etc. for public work.**

The City Consulting Engineer shall, when required by the Mayor, the City Council or any committee thereof, make out and submit plans, estimates and specifications for any public work, which may be proposed or ordered by the Council. (Code 1965, Sec. 4.07)

**Sec. 2-85. Duty to supervise and examine public works; suspension of work.**

The City Consulting Engineer shall, when required by the Mayor or the City Council, superintend the construction of any public work of the City, and shall, as often as may be necessary, examine such public work under his charge, and see that the same is properly executed. If the contractor therefore shall neglect or refuse to execute such work in accordance with his contract and specifications, the City Consulting Engineer may suspend the work, and shall thereupon report the facts to the Mayor, who shall report the same to the Council at once for their action. (Code 1965, Sec. 4.07)

**Sec. 2-86. Duty to make surveys and profiles of streets.**

The City consulting engineer shall, when required by the City Council, make a survey of the grade or boundary of any street or alley of the City, and prepare a plat or profile thereof, and report the same to the Council. No such survey of grade or boundary shall be deemed established or valid until the plat or profile thereof shall be approved by the Council. (Code 1965, Sec. 4.07)

Cross reference- Duty in regard to affirmative action programs. Sec. 3 1/2-7.

**Sec. 2-87. Duty to mark grades for public improvements.**

The City Consulting Engineer shall, upon order of the Mayor, give or mark the grade of any street or alley, or any public improvement where established, at the request of any person desiring to erect any building or enclosure, or to lay any sidewalk thereon. He shall make all surveys within and for the City that he may be called upon to make. (Code 1965, Sec. 4.07)

**Sec. 2-88. Duty to use field notes of original surveys.**

The City Consulting Engineer shall provide himself, as far as practicable, with copies of the field notes of the original surveys of the City and make his own surveys in accordance therewith; and he shall carefully note all errors or discrepancies in the original surveys, as soon as discovered. He shall keep a systematic record of all the transactions pertaining to his office, and shall index all surveys and records. (Code 1965, Sec. 4.07)

## **ARTICLE VII. RESERVED.**

### **Sec. 2-90 - 2-110. Reserved**

## **ARTICLE VIII. LAW DEPARTMENT**

\*Editor's note - Ord. No. 77-41, adopted May 16, 1977, repealed Sec. 2-99, relating to the establishment and composition of the department of finance, and derived from Code 1965, Sec. 4.03. Former Sec. 2-100, relating to the fiscal year, has been redesignated Sec. 2-01 for purposes of classification.

### **Sec. 2-111. Created; composition.**

There is hereby created a Department of Municipal Government of the City which shall be known as the "Law Department" consisting of a Corporation Counsel and an Assistant Corporation Counsel. (Ord. of 4-17-67, Sec. 1, Ord. No. 93-52, Sec. 1; 9-7-93)

### **Sec. 2-112. Prosecution of cases.**

The Law Department shall prosecute or defend on behalf of the City in all cases in which the interests of the corporation or any office thereof are involved. The City Clerk shall provide the department with certified copies of any ordinance, bond, or other document in his keeping necessary for the prosecution or defense of any suit or proceeding. (Ord. of 4-17-67, Sec. 1)

### **Sec. 2-113. Legal advice.**

The Law Department shall, when requested, advise the City Council or any City officer in all matters of law in which the interests of the corporation are involved and shall draw ordinances, bonds, and contracts, or examine and approve the same, when required by the Mayor, Council or any committee thereof. (Ord. of 4-17-67. Sec. 1)

### **Sec. 2-114. Executions on judgments; certification of bills.**

The Law Department shall cause execution to be issued upon all judgments in favor of the City and see to their prompt collection. Further, it shall examine all the fee bills of officers of the courts and others and certify to the correctness of the same and the liability of the City therefore. (Ord. of 4-17-67, Sec. 1).

### **Sec. 2-115. Prosecutions of violations of ordinances.**

The Law Department is also in charge of the operation of the Administrative Adjudication system, as provided in Section 36.01 et. seq. of this Code. In addition thereto, the Law Department is in charge of the prosecution and



representation of the City and all hearings before said Administrative Adjudication system. (Ord. No. 98-88, Sec. 2-115, 11-2-98)

**Sec. 2-116. No duty to prosecute malicious complaints.**

The Law Department is not required to prosecute any suit or action arising under the ordinances of the City when, upon investigation of the same, it is satisfied that the complaint was instituted maliciously or vexatiously and without probable cause, and it may discontinue any such suit or proceedings upon such terms as may seem to it just and equitable. (Ord of 4-17-67, Sec. 1)

**Sec. 2-117. Annual report.**

The Law Department shall, annually, on or before the first Monday in April of each year, report, in writing, to the City Council, a detailed statement of all suits instituted and pending in the courts of record wherein the City is plaintiff or defendant. In its report, it shall state the names of the parties to the suits, the date of the commencement, the nature thereof, and the several steps taken by it to bring the same to final issue. It shall also give a list of all cases disposed of since the last report, with such explanatory remarks as it may think proper to add thereto, to the end that the Council may be kept fully advised as to the legal affairs of the City. (Ord. of 4-17-67, Sec. 1)

**Sec. 2-118. Record of opinions; registration of court actions.**

The Law Department shall keep in a suitable book to be provided by the City for that purpose, a record of all written opinions given or furnished by it to the City. It shall also keep a register of all actions in courts of record, prosecuted or defended by it, in which the City was a party and of the various proceedings in connection therewith. The book and register together with all contracts, bonds or other papers, shall be delivered to any successor to the corporation counsel. (Ord. of 4-17-67, Sec. 1).

**Sec. 2-119. Duties of Corporation Counsel generally.**

Counsel shall be the department head of the Law Department and shall be charged with those duties listed in sections 2-113, 2-114, 2-117, and 2-118. The corporation counsel, with the Mayor, may appoint those assistant corporation counsel provided herein with the consent of the City Council. (Ord. of 4-17-67, Sec. 1; Ord. 93-52 Sec. 2; 9-7-93)

**Sec. 2-120. Duties of Assistant Corporation Counsel generally.**

Two Assistant Corporation Counsel are charged with the duties listed in sections 2-115 and 2-116 and any of those duties that may be assigned to said counsel by the corporation counsel. (Ord. of 4-17-67, Sec. 1; Ord. 93-52 Sec. 3, 9-7-93)

**Sec. 2-121. Duties of sections 2-119 and 2-120 may be exercised jointly and severally.**

The enumeration of duties in sections 2-119 and 2-120 above do not, nor are they intended to, create a division of powers within the Law Department. The powers and duties vested in the corporation counsel are vested in the Assistant Corporation Counsel, and the duties and powers vested in the Assistant Corporation Counsel are vested in the corporation counsel, and the duties and powers may be exercised jointly and severally by either office of the Law Department. (Ord. of 4-17-67, Sec. 1)

**Sec. 2-122. Replacements for Corporation Counsel or Assistant Corporation Counsel.**

In case of the temporary absence or inability of the corporation counsel to attend to the duties of his office, an Assistant

Corporation Counsel shall be designated by said Corporation Counsel to assume the duties of the Corporation Counsel. In case of the temporary absence or inability of the Assistant Corporation Counsel to attend to the duties of the office, the Corporation Counsel, with the approval of the Mayor may appoint or employ some competent attorney to act in the place of either the Assistant Corporation Counsel. (Ord. of 4-17-67, Sec. 1; Ord 93-52 Sec.4, 9-7-93)

**Sec. 2-123 - 2-132. Reserved.**

**ARTICLE IX. MAYOR**

\*Cross references - Mayor to act as Liquor Control Commissioner, Sec. 4-2; Mayor's emergency powers for civil emergencies, Sec. 10-24 et seq.

State law references - Election of Mayor, Ill. Rev. Stat. Ch. 24, Sec. 3-4-1 et seq.

**Sec. 2-133. Powers and duties.**

- (a) The Mayor shall sign all commissions, licenses and permits granted by authority of the City Council, except as otherwise provided, and such other acts and deeds as by law or ordinance may require his official signature.
- (b) The Mayor shall grant licenses for the purposes authorized by the Code, to such persons as he may deem proper, unless the Council shall otherwise designate and provide, and he may revoke the same for cause.
- (c) The Mayor shall supervise the conduct of all officers of the City, inquire into all reasonable complaints made against them or any of them, and cause their neglect or violation of official duty to be promptly corrected, or reported to the proper tribunal for punishment.
- (d) The Mayor shall appoint, by and with the advice and consent of the Council, all officers of the City whose appointment is not otherwise provided for by law, or this Code. Whenever a vacancy occurs in any office, which by law or ordinance he is empowered and required to fill, he shall, within thirty (30) days after such vacancy occurs, communicate to the Council the name of his appointee to such office, and pending the concurrence of the Council in such appointment, he may designate some suitable person to discharge the function of such office. (Code 1965, Sec. 4.01)

**Sec. 2-134. Successor to Mayor in times of disaster.**

- (a) In the event that at the time or as a consequence of any disaster caused by hostile action, enemy attack, the explosion of bombs or missiles due to sabotage or other disloyal acts or disasters due to fire, flood, earthquakes or other natural causes the incumbent Mayor shall be killed or rendered incapable of performing the duties of such office or position, such office shall, in accordance with the Illinois Civil Defense Act, be filled until such time as a successor can be selected in the manner prescribed by law, in the following manner:

Any such office shall, for the emergency period, be filled by appointment of the senior member, counted by years of service, of the City Council and followed by the next senior member of the City Council and continuing in said order of preference through the fourteen (14) members of the City Council and followed by the City Clerk, City treasurer, the civil defense director, the Chief of Police and the Chief of the Fire Department.

- (b) The person appointed in the manner prescribed therein to fill the office of Mayor shall exercise all the duties, powers and functions of that position during the emergency and until such time as a successor can be selected in the manner provided by law. (Ord. No. 74-4, 2-4-74)

Editor's note - Ord No. 74-4 did not expressly amend this Code, hence its codification as Sec. 2-134 was at the discretion of the editors.

**Sec. 2-135. Position of Mayor pro tem created.**

If a temporary absence or disability of the Mayor incapacitates him from the performance of his duties but does not create a vacancy in the office, the City Council shall elect one of its members to act as Mayor pro tem. The Mayor pro tem, during this absence or disability, shall perform the duties and possess all the rights and powers of the Mayor. (Ord. No. 80-47, Sec. 1, 7-22-80)

Editor's note - At the discretion of the editor, Sec. 1 of Ord. No. 80-47, adopted July 22, 1980, which was not specifically amendatory of the Code, has been codified as Sec. 2-135.

**Sec. 2-136. Compensation for the position of Mayor.**

The salary of the full-time Mayor of the City of Kankakee, Illinois shall remain the same as specified in Ordinance 2008-59, passed October 6, 2008.(Ord. 2020-98, 10/19/2020)

**Sec. 2-137 - 2-143. Reserved.**

**ARTICLE X. MUNICIPAL PURCHASING**

\*State law reference Purchasing generally, Ill. Rev. Stat. Ch. 24, Sec. 8 9 1 et seq.

**Sec. 2 144. Competitive bid to be obtained.**

Any labor, lease, goods or services to be purchased by the City, real or personal property, equipment or supplies, or public improvement which is not to be paid for in whole or in part by a special assessment or special taxation, where the expenses or costs thereof will exceed twenty-five thousand dollars (\$25,000.00) ~~five thousand (\$5,000.00)~~ shall be constructed or purchased either:

~~Sections 2-144, 2-146, 2-147, and 2-149.1 of the Municipal Code of the City of Kankakee, Illinois, are hereby amended to read \$20,000.00 in every instance in which the sum of \$10,000.00 is mentioned in said sections, that is to say, that in each section or subsection thereof where figure of \$2,500.00 is mentioned that the figure of \$20,000.00 shall be substituted therefore. (Ord 06-02)~~

- (1) By a contract let to the lowest responsible bidder after advertising for bids, except that any such contract may be entered into by the proper officers without advertising for bids, if authorized by a vote of two thirds (2/3) of all the aldermen elected or
- (2) In the manner following, if authorized by a vote of two thirds (2/3) of all the aldermen elected, to wit: The proper officers or departmental head shall make such purchase or shall superintend and cause such work or construction to be carried out but all material of the value of twenty-five thousand dollars (\$25,000.00) ~~five thousand dollars (\$5,000.00)~~ and upward used in any construction work or public improvement shall be purchased by contract let to the lowest responsible bidder in the manner prescribed herein.

Nothing herein contained shall apply to any contract with the federal government or any agency thereof. (Code 1965, Sec. 5.01 Ord. No. 80 58, Sec. 1, 9 2 80); (Ord. No. 2001-02, 01/16/01);(Ord. 2001-86,12/17/01), (Ord. 2022-50, 8/01/2022)

**Sec. 2 145. Exceptions to competitive bid requirements.**

Contracts for the City which by their nature are not adaptable to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual play an important part, auditing, contracts for utility services such as water, heat, light, telephone or purchasing of educational matter shall not be subject to competitive bidding. (Code 1965, Sec. 5.02)

**Sec. 2 146. Procedure in contracts over twenty-five thousand dollars. ~~five thousand dollars.~~**

- (a) All proposals to award purchase orders or contracts for municipal purchases in excess of twenty-five thousand dollars (\$25,000.00)~~five thousand dollars (\$5000.00)~~ shall be published once at least ten (10) days in advance of the date announced for the receiving of bids, in a newspaper of general circulation throughout the City by the City Clerk. Nothing herein shall be construed to prohibit the Clerk from posting additional notices or advertising in addition thereto in trade magazines. (Ord. No 2001-02, 01/16/01).
- (b) Advertisement for bids shall describe the character of the proposed contract, purchase or improvement insufficient detail to enable the bidders thereon to know what their obligations will be, either in the advertisement itself, or by reference to detailed plans and specifications on file in the office of the Clerk at the time of publication of the announcement. The advertisement shall also state the date, time and place assigned for the opening of bids, and such bids will be received at any time subsequent to the time indicated in the announcement.
- (c) Cash, a cashier's check, or a certified check as a deposit of good faith, in a reasonable amount, but not in excess of ten (10) per cent of the contract or purchase amount may be required of each bidder on all sums in excess of twenty-five thousand dollars (\$25,000.00) ~~five thousand dollars (\$5,000.00)~~ if specified in the bid announcement.
- (d) All sealed bids shall be publicly opened by the City Clerk or if he is not present then by the Comptroller. All bids shall be open to public inspection in the office of the City Clerk for a period of forty-eight (48) hours before the award is made. All such bids shall be opened in the presence of the Comptroller and the appropriate committee chairman.
- (e) The award of any purchase or contract in excess of twenty-five thousand dollars (\$25,000.00)~~five thousand dollars (\$5000.00)~~ shall be made by the consensus of the Mayor, the Comptroller, and the chairman of the committee involved after approval by the City Council in said bid or purchase to the lowest or highest responsible bidder, depending on whether the City is to receive or expend money. (Code 1965, Sec. 5.03; Ord. No. 77 38, Sec. 1, 5-16- 77; Ord. No. 80-58, Sec. 1,9-2 80) (Ord. No 2001-02, 01/16/01)(Ord. 2022-50, 8/1/2022)

## **Sec. 2 147. Emergency contracts.**

In the event of an emergency affecting the public health, welfare or safety so declared by the Mayor, a contract may be let or a purchase made by the City, to the extent necessary to resolve such emergency without public advertisement in a sum not to exceed twenty-five thousand dollars (\$25,000.00) ~~five thousand dollars (\$5,000)~~. The Mayor shall file his authority for the expenditure in writing in the office of the City Clerk and a copy to the chairman of the budget committee and shall provide the date or time when the emergency shall terminate and shall name the person authorized to make such expenditure or contract and the amount or amounts to be expended. (Code 1965, Sec. 5.04; Ord. No. 79 43, Sec. 1, 9 4-79; Ord. No. 80-58, Sec. 1, 9 2 80) (Ord. No. 2001-02, 01/16/01) (Ord. 2022-50, 8/1/2022)

## **Sec. 2 148 Lowest bid**

A bidder who is otherwise deemed to be responsible bidder may be deemed the lowest bid if the bidder has and maintains a primary place of business which shall include locations of manufacturing, production, distribution or employment of other non-family individuals within the municipal boundaries of the County of Kankakee and the bid received is within the following parameters:

- (a) If the total bid is \$100,000 or less, not more than 5% more than the lowest bid;
- (b) If the total bid is more than \$100,000, but less than \$500,000, not more than 3% more than the lowestbid;
- (c) If the total bid is \$500,00 or more, not more than 1% more than the lowest bid.(Ord 06-17, 04/03/06)

## **2-149 Reserved.**

Editors note 2 149, relative to contracts or purchases not exceeding \$1,500.00, derived from Code 1965, Sec. 5.06 was repealed by Sec. 1 of Ord. No. 77 39, adopted May 16, 1977.

## **Sec. 2 149.1 Budget approved contracts or purchases not exceeding twenty-five thousand dollars ~~five thousand dollars~~; procedure.**

All requisitions or purchase orders or proposed contracts not exceeding twenty-five thousand dollars (\$25,000.00) ~~five thousand dollars (\$5,000.00)~~ having previously been approved in the annual budget of the City, together with all necessary attachments thereto, including written itemized statements, descriptions of transactions, quantity and all other data and information relative to the transaction, contract, purchase or lease, shall be signed by the following:

- (1) The appropriate department head requesting the proposed transaction;
- (2) The Chairman of the appropriate committee acknowledging receipt of said request;
- (3) The Comptroller, whose signature shall be a verification that funds are available for said proposed purchase;
- (4) The Mayor, whose signature shall be the authorization to complete or enter into said proposed purchase. (Ord. No.77 40, Sec. 1, 5 16 77; Ord. No.80 58, Sec. 1, 9 2 80; Ord. No. 2001-02, 01/16/01.) (Ord. 2022-50, 8/1/2022)

## **Sec. 2 149.2 Expenditure of Funds by the Mayor.**

- (a) The Mayor, at his discretion, is authorized to make purchases or enter into contracts for official business of the City, in a sum not to exceed twenty five thousand dollars (\$25,000), without preliminary authorization of the City Council, provided that such contracts were previously provided for in the annual budget of the City.

- (b) If the Mayor expends funds pursuant to Subsection (a) of this Section, the City Comptroller shall also sign any requisition, purchase order, or proposed contract for the verification that City funds are available for said purchase.
- (c) Any expenditure by the Mayor pursuant to Subsection (a) of this Section shall be reported to the City Council at the City Council meeting immediately following such expenditure. The report shall be entered into the minutes of the Council and be open for public inspection.
- (d) Any expenditure by the Mayor in excess of the above threshold shall be conducted in accordance with this Article X or as otherwise provided by law.
- (e) In the event of an apparent emergency that requires immediate repairs to City property or the immediate purchase of supplies, materials, or contractual services, to protect or prevent against further loss or damage or where immediate action is needed to prevent or minimize serious disruption to City services, the Mayor is authorized to make purchases or enter into contracts to the extent necessary to resolve such emergency, in an amount not to exceed fifty thousand dollars (\$50,000.00), without preliminary authorization of the City Council.
- (f) In the event the Mayor expends funds pursuant to Subsection (e) of this Section, the Mayor shall report the emergency expenditure to the City Council at the City Council meeting immediately following such expenditure. The report shall be entered into the minutes of the Council and be open for public inspection. (Ord. 2022-50, 8/1/2022)

**Sec. 2 150. Contracts exempt from purchasing regulations.**

The provisions of this article shall not apply to local improvement contracts, special assessments or to purchases or contracts otherwise specifically provided for by the Illinois Revised Statutes. (Code 1965, Sec. 5.07)

**Sec. 2 151. Invalid purchase contracts.**

Any purchase or contract executed in violation of this article shall be null and void as to the City and if public funds have been expended thereupon, the amount thereof may be recovered in the name of the City. (Code 1965, Sec. 5.08)

**Section 2-152-1 Minimum Liability Insurance Limits**

All persons or entities with whom the City of Kankakee enters into contracts for services and contracts for goods on a recurring basis ( more than two occasions in any twelve (12 ) month period) shall provide proof of liability insurance protecting and indemnifying the person or entity in amounts of not less than One Million and no/100s Dollars (\$1,000,000.00) (Ord 09-27)

**Section 2-152-2 Identification of the City of Kankakee as an “Additional Insured”**

All persons or entities with whom the City of Kankakee enters into contracts for services and contracts for goods on a recurring basis (more than two occasions in any twelve (12) month period); or any person or entity which places equipment within buildings or property owned by the City of Kankakee shall provide proof of liability insurance protecting and indemnifying the person or entity in the amounts described in the preceding section and shall also provide proof that the City of Kankakee is identified as an additional insured. (Ord 09-27)

**Section 2-152-3 Termination of contracts for failure to provide evidence of compliance.**

Upon the failure of any person or entity to provide proof of insurance and proof of identity of the City of Kankakee as an “Additional Insured” shall be a basis for the City of Kankakee to terminate any contract for goods or services. (Ord 09-27)

**Sec. 2 153 2 161. Reserved.**

**ARTICLE XI. PLAN COMMISSION**

**Sec. 2 162. Created - Plans Commission**

A Plan Commission for the City is hereby created under the authority of Section 11 12 4 of the Illinois Municipal Code. (Code 1965, Sec. 22.01)

**Sec. 2 163. Composition - Plans Commission**

The plan commission shall consist of fourteen (14) members including a member of the board of education, a member of the zoning board of appeals, a member of the park board of the Kankakee Park District, the Supervisor of Kankakee Township and the Chairman of the County Board of Supervisors, and nine (9) other members chosen from the citizens of the City by the Mayor with the approval of the Council. (Code 1965, Sec. 22.02; Ord. No. 8121, Sec 1, 5 18 81)

**Sec. 2 164. Terms; vacancies - Plans Commission.**

The terms of all members of the Plan Commission appointed shall be three (3) years. Any member of the commission who shall be absent for more than four (4) meetings per year may be replaced by the Mayor. All vacancies occurring in the Plan Commission shall be filled by appointment for the remainder of the unexpired term in the same manner as original appointments. (Code 1965, Sec. 22.03)

**Sec. 2 165. Organization - Plans Commission**

As soon as possible after their appointment, the members of the Plan Commission shall organize by the election of a Chairman, Vice Chairman, Secretary and such other officers as may in their judgment be necessary. If the Plan Commission shall deem it advisable to secure technical advice or service, it may do so upon authority from the Council and appropriation by the Council therefore.(Ord. No. 70 23, Sec. 1, 5 4 70)

**Sec. 2 166. Record keeping required Plans Commission.**

The Plan Commission shall keep written records of its proceedings which shall be open to inspection by the City Council at all times. (Ord. No. 70 23, Sec. 1, 5 4-70)

**Sec. 2 167. Powers and duties - Plans Commission.**

The Plan Commission shall have the power:

- (1) To prepare and recommend to the City Council a comprehensive plan of public improvements for the present and future development of the City, which plan shall be known as the official plan of the City. Such plan shall include reasonable requirements in reference to streets, alleys, and public grounds in unsubdivided lands within the City, and in contiguous territory outside of and distant not more than one

and one half (1 1/2) miles from such limits, and not included in any City, village or incorporated town. Such requirements shall be effective whenever such lands are subdivided after the adoption of such plan.

- (2) To prepare and recommend to the City Council from time to time such changes in the plan as may be deemed necessary by the City Council or by the plan commission; provided, however, that such changes shall not affect the general principles of the plan as adopted.
- (3) To prepare and recommend to the City Council from time to time plans for specific improvements in the pursuance of such official plan.
- (4) To give aid to the officials of the City, charged with the direction of projects for improvements embraced with the official plan, to further the making of such improvements, and generally to promote the realization of the official plan.
- (5) To exercise such other powers germane to the power granted by this chapter, as may be conferred by the Council. (Code 1965, Sec. 22.05)

## **Sec. 2 168. Subdivision plat approval.**

No map or plat of any subdivision presented for record, affecting land within the City, and in contiguous territory outside of and distant not more than one and one half (1 1/2) miles from such limits, and not included in any City, village or incorporated town, after the adoption of the official plan, shall be entitled to record or shall be valid unless the subdivision thereon shown, shall provide for streets, alleys, sewers and public grounds in conformity with any requirements applicable thereto, on such official plan. (Code 1965, 22.06)

## **Sec. 2 169 2 178. Reserved.**

## **ARTICLE XII. Reserved**

## **Sec. 2 179 – 2-185. Reserved.**

## **ARTICLE XIII. COMPTROLLER**

\*Editor's note Ord. 76 53, Sec. 1, adopted Sept. 7, 1976, did not expressly amend this Code, hence inclusion herein as Art. XIII, Secs. 2186 2 193, was at the discretion of the editors.

Cross Reference Duties of Comptroller in regard to affirmative action program, Sec. 3 1/2.

## **Sec. 2 186. Creation of office; appointment.**

There is hereby created the office of City Comptroller, an executive office of the City. The Comptroller shall be appointed by the Mayor by and with the advice and consent of the City Council. (Ord. No. 78 53, Sec. 1 (1), (9 7 76)

## **Sec. 2 187. Bond required for Comptroller.**



Before entering upon the duties of his office the City Comptroller shall execute and file with the Treasurer a bond in such amount and with such sureties as may be required by the Council, conditioned upon the faithful performance of his duties. (Ord. No. 76 53, Sec. 1 (2), 9 7 76)

## **Sec. 2-188. Powers and duties generally**

The Comptroller shall have supervision over all officers and employees of the City charged in any manner with the receipt, collection or disbursement of the City revenue, or with the collection and return of the City revenue into the treasury. The Comptroller shall work with the City Treasurer in administering the financial affairs of the City including the receipt and deposit of all moneys received by the City make necessary expenditures, and be in charge of group insurance plans, workmen's compensation claims and similar programs. The Comptroller shall act as purchasing agent for all purchases under five thousand dollars (\$5,000.00). ~~one thousand five hundred dollars (\$1,500.00)~~. The signature required on all purchase orders shall be of the appropriate department head, the appropriate committee chairman, the Comptroller and the Mayor, as set forth in more detail in section 2 149.1 of this Code. The Comptroller shall participate in competitive bids as set forth in sections 2 146(d) and 2 146(e) of this Code. The Comptroller shall be director of the budget and shall be directly responsible to the Mayor in assisting the Mayor and budget committee with the preparation and administration of the annual budget of the City. The director of the budget shall prepare and submit to the City Council, in behalf of the Mayor, the Annual City Budget for their consideration, approval and passage. (Ord. No. 76 53, Sec. 1 (3), 9/7/1976; Ord. No. 77 45, Sec. 1, 6/6/1977)(Ord. 2022-50, 8/1/2022)

## **Sec. 2 189. Documents; custody.**

He shall have custody and control of all such municipal documents, books and papers which he is required by statute or ordinance to keep. (Ord. No. 76 53, Sec. 1 (4), 9 7 76)

## **Sec. 2 190. Estimate of expenses.**

On or before the fifteenth day of April of each year, and before the annual appropriation ordinance is prepared, the Comptroller shall submit to the corporate authorities a report of his estimate, as nearly as may be, of the money necessary to defray the expenses of the City during the current fiscal year. For the purpose of taking this report he shall require all officers of the City to submit statements of the condition and expenses of their offices or departments; and any proposed improvements and the estimated expense thereof; a statement of all unperformed contracts, and the amount of all unexpended appropriations of the preceding year.

His report shall also:

- (1) Classify the objects and purposes of such estimated expenditures and the amounts required for each;
- (2) Show the aggregate income of the preceding fiscal year, from all sources;
- (3) Show the amount of liability on which interest is to be paid;
- (4) Show the bonds and debts due and payable and the dates when such are due and payable; and
- (5) Give such other information regarding the financial situation of the City as the Council may require.(Ord. No. 76 53, Sec. 1 (5), 9 7 76)

## **Sec. 2 191. Warrants.**

The City Comptroller shall keep a record of all warrants, or orders filed with him or paid by him and all vouchers as is required by statute. (Ord. No. 76-53, Sec. 1,(6), 9 7 76)

**Sec. 2-192. Bonds.**

The City Comptroller shall keep in his office, in books used solely for that purpose, a correct list of all the outstanding bonds of the City, showing the number and amount of each, and for whom and to whom the bonds were issued. He shall also show therein when any City bonds were purchased, paid or canceled. He shall show, in his annual report the bonds sold during the year, the terms of such sale and every item or expense incurred therewith. (Ord. No. 76 53, Sec. 1 (7),9 7 76)

**Sec. 2 193. Additional duties.**

He shall perform such additional duties and have such additional powers as the Council may by ordinance or resolution confer upon him. (Ord. No. 76.53, Sec. 1 (8),9 7 76)

**Sec. 2 194. Creation of Collection Department.**

There is hereby created a Collection Department to be operated under the supervision of the Comptroller.

**Sec. 2 195. Duties of Collection Department.**

- (a) The Collection Department shall be responsible for the collection of any and all over due fees, debts, charges or other obligations due and payable to the City of Kankakee through any of the departments of government.
- (b) All departments of the City of Kankakee shall report to the Collection Department any and all over due fees, debts, charges or other obligations that are in arrears and due and payable to the City of Kankakee. (Ord. 86 50, Sec 1, 12 15-86)

**Sec. 2 196. Head of the Department of Collections.**

- (a) The Mayor shall appoint the head of the Department of Collection with the advice and consent of the City Council and shall be directly responsible to the Comptroller in carrying out the duties of the Collection Department.
- (b) The Mayor shall designate such other employees of the City of Kankakee as are necessary to faithfully perform the duties of the Collection Department. (Ord. 86 50, Sec. 1, 12 15-89)

**Sec. 2 197 2 200. Reserved.**

**ARTICLE XIV. Reserved**

Secs. 2-101 – 2-115 Reserved.

## **ARTICLE XV. BUILDING AND ZONING DEPARTMENT**

Cross references - Building and building regulations generally, Sec. 8-1 seq; health regulations generally, Ch. 18.

### **Sec. 2-216. Department created.**

The Planning & Code Enforcement Department is hereby created for the purpose of administration, enforcement and execution of the regulations adopted by the City of Kankakee governing: (i) The condition and maintenance of all property, building and structures; standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; (ii) The design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of dwellings, buildings and structures, and the issuance of permits and collection of fees therefore; (iii) The development, construction, enlargement, alteration, conversion, occupancy, use, height, placement, spacing, size and area of all buildings, structures and lots; and, standards and procedures for the subdivision of land. (Ord. No. 03-81)

### **Sec. 2-217. Official in charge of department.**

The executive official in charge of the Planning & Code Enforcement Department shall be Known as the “Code Official” who shall be appointed by the Mayor with advice and consent of the City Council.

### **Sec. 2-218. Duties and powers of the code official**

The Code Official is hereby authorized and directed to administer, enforce and execute all codes, ordinances and regulations relating to the development, erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, use, height, area and maintenance of all buildings, structures and lots, including but not limited to property maintenance, building plumbing, electrical, zoning, subdivision and other such codes, ordinances and regulations adopted by the City of Kankakee. The Code Official shall have the authority to render interpretations of said codes, ordnances and regulations and to adopt polices and procedures in order to clarify the application of their provisions. In order to determine and insure compliance with said codes, the Code Official shall (i) make inspections, as deemed necessary (ii) issue all necessary notices or orders; and, (iii) keep official records pertaining to fees collected, inspections, notices and orders issued.

### **Sec. 2-219. Establishment of department divisions.**

The Planning & Code Enforcement Department shall consist of the following Divisions:

- (a) **Property Maintenance Division:** The property Maintenance Division is hereby established for the purpose of enforcement of the property maintenance codes, ordinance and other regulations governing the condition and maintenance of all property, buildings and structures; supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe and sanitary and fit for occupation and use. The officer or employee appointed to be in charge of said Division shall be know as the Deputy Code Official-Property Maintenance Division, who shall have powers and responsibilities as delegated by the Code Official or as otherwise provided by the law.
- (b) **Building Safety Division:** The Building Safety Division is hereby established for the purpose of enforcement of the building, plumbing and electrical codes, ordinance and other regulations governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, and the issuance of permits and collection of fees therefore. The officer or employee appointed to be in charge of said Division, who shall have powers and responsibilities as delegated by the Code Official or as otherwise provided by law.

- (c) **Planning & Zoning Division:** The Planning & Zoning Division is hereby established for the purpose of enforcement of the zoning and subdivision codes, ordinances and other regulations governing the development, construction, enlargement, alteration, conversion, occupancy, use, height, placement, spacing, size and area of all buildings, structures and lots; and, standards and procedures for the subdivision of land. The officer or employee appointed to be in charge of said Division shall be known as the City Planner, who shall have powers and responsibilities as delegated by the Code Official or as otherwise provided by law.

The Director of Building and Zoning-Code Enforcement Department provided for in this Article shall be subject to the jurisdiction of and shall report to the City of Kankakee Fire Chief. (Ord. No. 83-26, Sec. 2, 6-6-83, Ord. No. 87-45, Sec. 2, 11-16-87; Ord. 90-53, Sec. 1, 10-15-90; Ord. No. 94-47 Sec. 2-216; 7-5-94; Ord. No. 94-60, 10-19-94) (Ord. No. 0381)

## **ARTICLE XVI. CODE OF CONDUCT FOR CITY COUNCIL MEMBERS**

### **Sec. 2-220. General Conduct for Members of City Council**

1.1 Each City Council Member has an equal vote. No City Council Member has more power than any other City Council Member.

1.2 All Members of City Council shall be treated with equal respect.

1.3 All Members of City Council shall fully participate in City Council meetings and other public forums and while doing so shall demonstrate respect, kindness, consideration, and courtesy to others.

1.4 All Members of City Council shall prepare in advance of Council meetings and be familiar with issues on the agenda.

1.5 All Members of City Council shall be respectful of other people's time, stay focused and act efficiently during public meetings.

1.6 All Members of City Council shall serve as a model of leadership and civility to the community.

1.7 All Members of City Council shall work and strive to inspire public confidence in Kankakee City government

1.8 All Members of City Council shall demonstrate honesty and integrity in every action and statement.

1.9 All Members of City Council shall participate in scheduled activities to increase team effectiveness and review Council procedures, such as this Code of Conduct.

### **2.0 Meeting Chair**

2.1 The Mayor will chair official meetings of the City Council. In the event of the absence of the Mayor, the City Council Member with the most seniority of time in service on the City Council shall preside over the meeting. The Chairperson of any City Council committee shall preside over the meeting of that committee. In the event of the absence of the chairperson, the Vice-Chairperson shall preside over the committee meeting. In the event of the absence of both the Chairperson and Vice-Chairperson, the City Council Member present who is a member of that committee with the most seniority on the City council shall preside over the meeting.

2.2 The presiding officer shall maintain order, decorum, and the fair and equitable treatment of all speakers

2.3 The presiding officer shall keep discussion and questions focused on the specific agenda item under consideration.

2.4 The presiding officer shall make parliamentary rulings with advice, if requested, from the Corporation Counsel who shall act as an advisory parliamentarian. Chair rulings may be overturned if a City Council Member makes a motion as an individual and the majority of the Council votes to overrule the Chair.

### **3.0 Policies & Protocol Related To Conduct**

#### **3.1 Ceremonial Events**

3.10 Requests for a City representative at ceremonial events shall be handled by the Office of the Mayor. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then the Mayor shall determine if event organizers would like another representative from the Council. If yes, then the Mayor shall designate a City Council Member to serve as a substitute.

#### **3.2 Correspondence / Signatures**

3.20 Members of City Council do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Council meetings. City staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor unless the Mayor requests that they be signed by a City Council Member or City staff. If correspondence is addressed only to one City Council Member that City Council Member shall consult with the Mayor or a Department Head regarding the best way to respond to the sender.

#### **3.3 Endorsement of Candidates**

3.30 Members of City Council have the right to endorse candidates for all Council seats or other elected offices. No City Council Member shall make reference to endorsements during Council meetings or other official City meetings.

#### **3.4 Non-agenda Items**

3.4.-1 During a designated period of the agenda, citizens, Members of City Council and staff may bring forth issues or questions that are not on the meeting's agenda. Any issue brought forth which is not on the meeting agenda shall not be considered for action until it is legally placed on the agenda for action. Topics should be legislative items requiring action by the Mayor or the Council, study issues for future consideration, and requests for information. Each speaker, citizen or elected official, will be limited to ten minutes.

#### **3.4-2 Public Announcements in Council Meetings**

Members of City Council who want to speak first during the City Council Member Comment portion of the Council meeting should notify the Chair in advance. Otherwise, Members of City Council will be recognized when the Chair determines. Members of City Council who use this portion of the agenda to recognize achievements or promote an event, will be limited to three minutes each, and should keep the focus on matters of community-wide interest.

#### **3.4-30 Public Meeting Hearing Protocol**

3.4.-31 The applicant or appellant at any public hearing meeting shall have the right to speak first. The Chair will determine the length of time allowed for this presentation.

3.4-32 Speakers representing either pro or con points of view will be allowed to follow. Any speaker may be crossexamined by an opponent of that person's point of view. Any speaker shall have the opportunity to present his or

her point of view and be subject to cross-examination. The Chair will determine how much time will be allowed for each speaker with 3 to 5 minutes the standard time granted.

3.4.-33 The applicant or appellant will be allowed to make closing comments. The Chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run smoothly.

3.4.-34 Members of City Council shall not express opinions during a public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. "I think" and "I feel" comments by Members of City Council are not appropriate until after the close of the public hearing.

3.4-35 Members of City Council shall refrain from arguing or debating with the public during a public hearing and shall always show respect for different points of view.

3.4-36 During a Council or Committee meeting main motions may be followed by amendments, followed by substitute motions.

3.4-37 Any City Council Member may call for a point of order during any council or committee meeting.

3.4-38 Only Members of City Council who voted on the prevailing side may make motions to reconsider.

3.4-39 Members of City Council who desire to make the first motion on issues which they feel strongly about shall discuss their intention with the Chair in advance of the Council meeting.

#### **4.0 Council Conduct with One Another**

4.1 Use formal titles - The City Council Member shall refer to one another formally during public meetings as Mayor, Clerk or City Council Member followed by the individual's last name.

4.2 Members of City Council shall practice civility and decorum in discussions and debate

4.2-1 Members of City Council shall not make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening shall be tolerated, during public meetings.

4.2-2 Members of City Council shall honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections shall be voiced politely and with reason, following procedures outlined in parliamentary procedure.

4.2-3 Members of City Council shall avoid personal comments that could offend other Members of City Council. If a City Council Member is personally offended by the remarks of another City Council Member, the offended City Council Member shall make notes of the actual words used and call for a "point of personal privilege" that challenges the other City Council Member to justify or apologize for the language used. The Chair shall maintain control of this discussion.

4.2-4 Members of City Council shall demonstrate effective problem-solving approaches. Members of City Council shall use the public forum as examples for those with disparate views to find common ground and seek compromise in order to benefit the community as a whole, whenever possible.

4.2-5 City Council Members shall continue respectful behavior in private encounters occurring before after or between meetings.

4.2-6 Members of City Council shall be aware of the insecurity of written notes, voicemail messages, and e-mail and the public nature of all Members of City Council do in furtherance of their official duties. City Council Members shall avoid use of written or oral communications which are not appropriate for public distribution.

4-2-7 Members of City Council shall remain aware that even private conversations can have a public presence.

4.2-8 Members of City Council shall assure that all distracting electronic devices such as cell phones, pagers or beepers shall be turned off during any public meeting.

## **5.0 Council Conduct with City Staff**

5.1 Members of City Council shall treat all City staff as professionals

5.1-1 City Council Member shall engage in honest conversation and communication that exhibits respect for the abilities, experience and dignity of each individual. Inappropriate or disrespectful behavior towards staff is not acceptable.

5.1-2 Requests for follow-up or directions to staff should be made only through the Office of Mayor or Corporation Counsel when appropriate. When in doubt about what staff contact is appropriate, City Council Members shall seek direction from the Office of Mayor. Materials supplied to a City Council Member in response to a request shall be made available to all members of the Council so that all have equal access to information.

5.1-3 It is appropriate for City Council Member to contact any member of staff, including the Mayor and Corporation Counsel for a question and/or inquiry regarding a City related matter or information that is readily available, so long as the item in question falls under the purview of that staff member and it is with the approval of either the Mayor or Corporation Counsel. City staff may respond to routine City Council Member's requests for easily retrievable information so long as the request for information does not require staff to discuss or express an opinion regarding the issue, nor involve additional research.

5.1-4 A City Council Member has the right to make an inquiry regarding operations in order to better understand current or future policy implications. Staff's responses to operational or policy questions raised outside of normal business hours should be expected no earlier than the next business day. Moreover, any question concerning ongoing operations cannot be answered until it is safe and practical to do so and does not jeopardize operational integrity. Staff shall provide copies to all Members of City Council, the Mayor and the affected Department Head, of the response or information supplied to a City Council Member.

## **5.2 Staff contacts/meetings**

5.2-1 Any request for a meeting with staff must be directed to the Mayor or Corporation Counsel as appropriate. The Mayor is responsible for distributing such requests to the appropriate departmental staff for follow up. Except during emergencies, any City Council Member's contact or meeting with staff must be conducted during the City's hours of operation. If the City Council Member is not sure if a situation meets the definition of an emergency for this purpose, the City Council Member should first contact the Mayor. If the Mayor is not reachable or available, the Council Member should contact the Corporation Counsel or appropriate Department Head prior to any meeting.

5.2-2 It shall be inappropriate for any staff member to meet with a City Council Member regarding any matter involving city business without first informing that person's supervisor, Department Head or Mayor, as appropriate.

5.2-3 Members of City Council shall not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.

5.2-4 Members of City Council shall not express concerns about the performance of a City employee in public, to the employee directly. Comments about staff performance should only be made to the Mayor through private correspondence or conversation. Comments about staff in the office of the Corporation Counsel shall be made directly to the Corporation Counsel.

5.2-5 Members of City Council shall not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

5.2-6 Before sending correspondence, Members of City Council shall determine by checking with City staff to ascertain if an official City response has already been sent or is in progress.

5.2-7 Members of City Council shall not attend meetings with City staff unless requested by staff or without prior notice to staff.

5.2-8 Members of City Council shall not present requests for staff support, even in high priority or emergency situations without first requesting such support from the Office of the Mayor.

5.2-9 Members of City Council shall not make requests for copies of records or information for staff when such information is not sought for purposes related to the formulation of city policy but is sought for the personal purposes.

### **5.3 Solicitation of political support from staff**

5.3-1 Members of City Council shall not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

### **5.4 Interference with Employment Activities**

5.4-1 Members of City Council shall, at no time, interfere with any staff person while that staff person is engaged in the course of the duties required of the staff. Members of City Council shall at no time, while a staff person is engaged in the duties required of the staff, make any comments to any third person regarding the staff person, nor shall the City Council Member suggest that any third person does not or is not required to conform to the requirements of the staff person.

5.4-2 Members of City Council shall take no action which will in any way impair the safety of any staff person or the family of the staff person.

5.4-3 Members of City Council shall not reveal any personal information regarding any staff person including the staff person's home address, phone number or any other personal information or that of the staff person's family.

### **6.0 Council Conduct with the Public**

6.1-1 Members of City Council shall exhibit no signs of partiality, prejudice or disrespect toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

6.1-2 Members of City Council shall be fair and equitable in allocating public hearing time to individual speakers.



6.1-3 If many speakers are anticipated, the Chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

6.1-4 No speaker will be turned away unless he or she exhibits inappropriate behavior.

6.1-5 Each speaker may only speak once during any public hearing unless the Council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the Chair reopens the public hearing for a limited and specific purpose.

6.1-6 A City Council Member may ask for clarification, but shall avoid debate and argument with the public.

6.1-7 Only the Chair — not individual Members of City Council – can interrupt a speaker during a presentation. However, a City Council Member may ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the City Council Member finds disturbing.

6.1-8 If speakers become flustered or defensive by Council questions, it is the responsibility of the Chair to calm and focus the speaker and to maintain the order and decorum of the meeting.

6.1-9 Questions by Members of City Council to members of the public testifying shall seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker.

6.1-10 The personal opinions or inclinations of a City Council Member about upcoming votes shall not be revealed until after the public hearing is closed.

6.1-11 No City Council Member shall engage in personal attacks of any kind, under any circumstance.

6.1-12 All City of Kankakee Meetings shall be conducted in accordance with the Rules of Conduct and with the use of Roberts Rules of Order as amended. The Corporation Counsel serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. The Chair, subject to the appeal of the full Council makes final rulings on parliamentary procedure.

6.1-13 A City Council Member shall make no promises on behalf of the City or City Council other than those representations based upon adopted existing city policy.

6.1-14 Members of City Council shall make no personal comments about other Members of City Council including any derogatory comments about other Members of City Council, their opinions and actions.

## **7.0 Council Conduct with Other Public Agencies**

7.1-1 A City Council Member shall be clear when representing the city or when representing the City Council Member's personal interests. If a City Council Member appears before another governmental agency or organization to give a statement on an issue, the City Council Member must clearly state: 1) if his or her statement reflects personal opinion or is the official stance of the City; 2) whether this is the majority or minority opinion of the Council.

7.1-2 If the City Council Member is representing the City, the City Council Member must support and advocate the official City position on an issue, not a personal viewpoint.

7.1-3 If the City Council Member is representing another organization whose position is different from the City, the City Council Member shall withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest.

7.1-4 Members of City Council shall clearly identify which organizations they represent and inform the Mayor and Council of their involvement.

7.1-5 All Members of City Council shall assure that any correspondence sent over their signature shall clear regarding any representations contained therein.

7.1-6 City letterhead shall be used only when the City Council Member is representing the City and the City's official position.

7.1-7 City letterhead shall not be used for correspondence of Members of City Council representing a personal point of view or a dissenting point of view from an official Council position.

7.1-8 In the event that any City Council Member uses City letterhead to express a personal opinion, the City Council Member shall identify the opinion as that solely of the City Council Member and the official City position on the issue discussed in the correspondence must be stated clearly so the reader understands the difference between the official City position and the personal viewpoint of the City Council Member.

## **8.0 Council Conduct with Boards and Commissions**

8.1-1 If attending a Board or Commission meeting, a City Council Member shall express only personal opinions and shall not appear for the purpose of opining on city policy.

8.1-2 Members of City Council shall be sensitive to the way their participation, especially if it is on behalf of an individual, business or developer -- could be viewed as unfairly affecting the process. Any public comments by a City Council Member at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

8.1-3 A City Council Member shall not contact any Board and Commission members to lobby on behalf of an individual, business or developer. A City Council Member may express personal support of the position of the individual or entity, but the City Council Member must clearly state that the position is one of that individual City Council Member only. It is acceptable for Members of City Council to contact Board or Commission members in order to seek clarification of a position taken by the Board or Commission.

8.1-4 No City Council Member may threaten any Board or Commission Board member.

8.1-5 City Council Members shall advise and consent regarding the appointment and reappointment of persons to a Board or Commission. Such consent should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment shall not be used as a political "reward."

8.1-6 Members of City Council shall be fair and respectful of all citizens serving on Boards and Commissions and treat such citizens with respect and dignity

8.1-7 The position of a member of a Board or Commission shall not be used for the purpose of advocating political support of Members of City Council. Conversely, Members of City Council may support Board and Commission members who are running for office, but not in an official forum in their capacity as a City Council Member.

8.1-7 Inappropriate behavior by a Board or Commission member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council and the individual is subject to removal from the Board or Commission upon a 2/3 vote of the Council.

## **9.0 Council Conduct with the Media**

9.1 The Mayor is the official spokesperson for the representative on City position.

The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual City Council Member is contacted by the media, the City Council Member shall be clear about whether their comments represent the official City position or a personal viewpoint.

9.2 No City Council Member is authorized to provide any information regarding any city employee to the media.

## **10.0 Sanctions**

### **10.1 Members of Public**

10.1 Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

### **10.2 Staff Members**

10.2 City Council Member should refer to the Mayor or Corporation Counsel any City staff who do not follow proper conduct in their dealings with City Council Member, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions.

### **10.3 City Council Member**

10.3-1 Members of City Council who intentionally and repeatedly do not follow proper conduct may be punished by any of the following methods:

- Reprimand
- Formal Censure
- Loss of Seniority
- Expulsion for individual meetings with loss of salary

10.3-2 Such conduct may result in the imposition of any of the above sanctions without regard to prior sanctions based upon the seriousness of the misconduct. Such misconduct may result in any other lawful sanctions as deemed appropriate by Council.

10.3-4 Members of City Council shall inform the offending City Council Member of infractions of the Code of Ethics or Code of Conduct. If the offenses continue, then the matter shall be brought to the attention of the City Council during Executive Session to discuss personnel. Following such a session, the Council may determine the necessity of proceeding with the filing of charges for the infractions.

10.3-5 The Council may vote to conduct an investigation and hearing for the purposes of processing such charges. The Council shall have the right to employ outside counsel, if it deems it necessary and advisable for the purpose of such an investigation and hearing.

10.3-6 Upon a majority vote that charges should be filed, the Council shall request the Corporation Counsel or Independent Counsel to prepare charges and to investigate and prosecute

10.3-7 Upon the filing of formal charges, the Council shall conduct a hearing on said charges. It may appoint a hearing officer to preside over said hearing.

10.3-8 Alternatively the Council may request the Mayor to appoint an ad hoc subcommittee, whose members the Council shall formally approve and review the allegations. The ad hoc committee may conduct an investigation and shall report its findings to the Council. The Committee shall recommend sanction options for Council consideration.

10.3-9 Upon a majority vote, the Council shall conduct a hearing regarding the charges suggested by the ad hoc committee in the same manner as described above. Following a hearing of the charges or a hearing of any allegations suggested by the

Ad Hoc Committee, the Council shall determine by majority vote if the charges are sustained.

10.3-10 At any hearing held upon the filing of alleged violations of this Code of Conduct, the City Council Member against whom the allegations are made shall have the right to have counsel and to cross-examine any witnesses and to present evidence on behalf of that City Council Member's response to the charges.

10.3-11 Strict Rules of evidence shall not apply to any hearing held under these proceedings. Hearsay may be admissible at any such hearing upon the determination of the Hearing Officer or the person presiding over said hearing of the reliability of said evidence.

10.3-12 In the event that the Council determines that the Charges are sustained, the Council shall consider appropriate sanctions. The Council may impose any sanction by a majority vote.

## **ARTICLE XVII. CODE OF ETHICS**

### **Sec. 2-221. Policy and Purpose.**

The purpose of the Division is to establish ethical standards of conduct for City officials and City employees by setting forth those acts or actions that are incompatible with the best interest of the City. By eliminating conflicts of interest and providing a guide for conduct in City matters, the City Council hopes to promote faith and confidence of the citizens in their government.

It is essential to the proper operation of democratic government that public officials and employees be independent and impartial; that governmental decisions and policy be made through proper channels; that public office not be used for private gain; and that there be public confidence in the integrity of government. Public officials and employees must serve their government in a fiduciary capacity and must not bestow special consideration upon any person merely because of that person's relationship to an officials or employee. The attainment of these ends is impaired wherever there exist conflict between the private interests and public official or employee and his or her duties as such. The public interest therefore requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect or the conduct of elected officials and government employees in situations where conflicts exists, as well as in situations where conflicts might develop.

It is also essential to the proper operation of government that those best qualified be encouraged to serve the government. Accordingly, legal safeguards against conflicts of interest must be so designed as not to unnecessarily or unreasonably impede the recruitment and retention by the government of those persons who are best qualified to serve it. The right of each official and employee to privacy in his or her financial affairs must not, therefore, be limited beyond that disclosure necessary to ensure the integrity of government. Moreover, because an essential principal underlying the staffing of our government is that its officials and employees should not be denied the opportunity

available to all other citizens to acquire and retain private economic and other interests, such opportunity should not be limited unless it conflicts with the responsibility of such officials and employees to the public cannot be avoided.

## **Sec. 2-222. Definitions.**

As used throughout this Article, the following terms shall have the following meanings ascribed to them:

- (a) **Officials or employees:** Any person, officer, or employee holding a position by election, appointment, or employment in the service of the City of Kankakee, whether paid or unpaid, including members of any agency, board, committee, or commission thereof; provided, however, that independent contractors shall not be considered public officials or employees. Acts of any family member of a public official or employee, when done with the knowledge and consent of the public official or employee shall be deemed to be acts of such official or employee for purposes of applying the prohibitions and restrictions of this ordinance.
- (b) **Financial Interest:** Any material, direct or indirect, benefit accruing to a public official or employee or such person's family members, whether in the public official's or employee's own name or the name of any person, firm, corporation, association, or trust from which the official or employee is entitled to receive any financial benefit, as a result of a contract or transaction which is or which is known will become the subject of an official act or action by or with the City of Kankakee, except for such contracts or transactions which by the terms and by the substance of their provisions confer the opportunity and right to realize the accrual of similar benefits to all other citizens of the City and except that benefits accruing to any business entity which has its stock publicly traded and in which a public official's or employee's only interest is an ownership of less than one-half of one percent in such publicly traded stock shall not be deemed to be benefits accruing to such public official or employee. Notwithstanding anything to the contrary, any interest permitted or prohibited under Section 3-14-4 of the Illinois Municipal Code., Ill. Rev. Stat. Ch. 24 Sec. 3-14-4. or Ill. Rev. Sta. Ch. 102, Sec. 3 et seq., as they may be amended from time to time, shall be permitted or prohibited under the same circumstances and conditions as therein set forth.
- (c) **Compensation:** Any money, thing of value or other pecuniary benefit received or to be received in returnfor, or in reimbursement for services rendered or to be rendered.
- (d) **Person:** Any individual, entity, corporation, proprietorship, partnership, firm, association, trade union,trust, estate or group, as well as any parent, or subsidiary of any of the foregoing entities, whether or not operated for profit.
- (e) **Confidential or Privileged Information:** Public records and information exempt from inspection andcopying under any provision of Section 7 of the Illinois Freedom of Information Act, Ill. Rev. Stat., Ch 116, Sec. 201 et seq., or any other applicable law or ordinance, and any matter or information properly the subject of a closed meeting or session pursuant to section 2 of the Illinois Open Meetings Act, Ill. Rev. Stat., Ch. 102, Sec. 41 et seq.
- (f) The terms "contribution," "candidate," and "authorized political committee" as used herein shall be defined as provided in Chapter 46, Article 9 of the "Illinois Election Code."

## **Sec. 2-223. Conflicts of Interest**

- (a) **Interest in City Business**

- (1) No official or employee shall have a financial interest in his or her own name or in the name of any other person in any contract, work, or business of the City of Kankakee, or in the sale of any article. Whenever the expense price, or consideration of the contract, work, business or sale is paid by either from the City treasury or pursuant to any law or ordinance. Money paid by the City to an official or employee as compensation for property taken pursuant to the City's eminent domain power shall not constitute a financial interest within the meaning of this section. Unless specifically authorized by ordinance, no official or employee shall have a financial interest in the purchase of any property that (1) belongs to the City or (2) is sold for taxes or assessments, or (3) is sold by virtue of legal process at the suit of the City.
- (2) The foregoing notwithstanding, this provision shall not prohibit an official or employee from having a financial interest in any contract, work, or business of the City of Kankakee if such interest is permitted under the Illinois Corrupt Practices Act. Illinois Municipal Code, Ill. Rev. Stat., Ch. 24, Section 3-14-4, as it may be amended from time to time, or if such contract, work or business is approved by the City Council.

(b) Employment of Relatives - Restrictions

- (1) For purposes of this section, the following terms shall have the following meanings:
  - (I) Agency: The City Council, any City Council Committee, or subdivision thereof, as well as any City Department, agency, commission, board, or other body.
  - (II) Official or employee: Any official or employee, as defined in Section 2-221, and any other person, with the authority by law, rule, regulation, delegation, custom, or otherwise, to appoint, employ, promote, or advance persons, or to recommend persons for appointment, employment, promotion, or advancement in connection with employment in any agency.
  - (III) Relative (family member): Any person who is related to an official or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, stepfather, stepmother, stepson, stepbrother, stepsister, half-brother or half-sister.
  - (IV) Employ: Hire, appoint, promote, advance transfer, or in any other manner establish or alter the employment status of any person.
- (2) No official or employee shall employ or advocate for employment in any agency over which that official or employee exercise jurisdiction or control any person
  - (i) who is a relative of that official or employee, or
  - (ii) in exchange for or in consideration of the employment of any of that official's or employee's relatives by any other official or employee.
- (3) Any person employed after the enactment of this ordinance and in violation of this section is not entitled to compensation, and money may not be paid from the City Treasury as compensation to an individual so employed.

- (4) Nothing in this section shall preclude a family member of any official or employee from rendering services to the City on a volunteer, uncompensated basis; however such family member shall not be eligible for appointment to a City agency.
- (c) **Campaign Contributions:** No person who, in his or her own name or in the name of any other person, who has a financial interest in, or who has bid upon any contract, work, or business of the City of Kankakee within the preceding four years, shall make any contribution to any candidate for office of the City of Kankakee, or to any official of the City of Kankakee who is seeking election to any other office in an aggregate amount exceeding \$1,500.00 for all such contributions to that candidate or official during a single candidacy. For purposes of the Division, candidacies for primary and general elections shall be deemed separate and distinct candidacies. A candidate for office is any person who seeks nomination for election, re-election, or retention in office by taking the action necessary under the laws of this State to attempt to qualify for nomination for election, re-election, or retention in office or by receiving contributions or making expenditure, or giving consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election or retention in such office. For purposes of this section, all contributions to a candidate's authorized political committees shall constitute contributions to a candidate.
- (d) **Solicitation of Contributions:** No person shall compel, coerce, or intimidate any official or employee of the City of Kankakee into making, or refraining from making, any political contribution or into engaging in any form of political activity. Nothing herein shall be construed to prevent any such official or employee from making such contribution or from engaging in political activity voluntarily, unless otherwise prohibited by applicable law.

#### **Sec. 2-224. Code of Conduct**

- (a) **Fiduciary Duty.** Officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the City of Kankakee.
- (b) **Improper Influence.** No official or employee shall make, participate in making, or in any way attempt to use his or her position to influence any governmental decision or action which he or she knows or has reason to know that he or she has a financial interest. An official or employee has a financial interest in a governmental decision or action when it is reasonably foreseeable that said decision or action will have a material effect on that official or employee distinguishable from its effect on the public generally.
- (c) **Offering, Receiving, and Soliciting Gifts, Favors.**
  - (1) No person shall give or offer to give to any official or employee or his or her spouse or minor child, and none of the forenamed shall solicit accept anything of value, including, but not limited to, a gift, favor, service or promise of future employment, based upon any understanding, either explicit or implicit, that the votes, official actions, decisions or judgments of any official or employee would be influenced thereby.
  - (2) No person shall give to any official or employee or his or her spouse or minor child, and no official or employee or his or her spouse or minor child shall solicit or accept any anonymous gifts, favor, services or other thing of value.
  - (3) Any gift or other thing of value received in violation of the provision of this section shall be returned to the person offering it. If that person is unknown or cannot be located, then the gift or item shall be turned over to the Comptroller to be held in trust for the citizens of the City of Kankakee. The City Council may, by appropriate ordinance or resolution, provide for the public

sale of any such items. Gifts of money as well as the proceeds from the sale of any such items shall, if not returned to the person giving the money or item, be deposited in the City Treasury.

- (4) Except as prohibited above, nothing in this Section shall prohibit any person from giving or receiving:
  - (i) an award publicly presented in recognition of public service;
  - (ii) commercially reasonable loans made in the ordinary course of the lender's business;
  - (iii) political contributions, provided they are reported to the extent required by law; or
  - (iv) reasonable hosting, including travel and expenses, entertainment, meals or refreshments furnished in connection with public events, appearances or ceremonies related to official City business, if furnished by the sponsor of such public event.
- (5) Any official or employee who receives any gift or money for participating in the course of his public employment in speaking engagements, lectures, debates, or organized discussion forums shall report it to the City Clerk within five business days.
- (d) **Solicitation or Receipt of Money for Advice or Assistance.** No official or employee or his or her spouse or minor child shall solicit or accept any money or other thing of value including, but not limited to, gifts, favors, services, or promise of future employment in return for advice or assistance on matter concerning the operation or business of the City of Kankakee.
- (e) **Use or Disclosure of Confidential Information.** No current or former public official or employee shall use or disclose, other than in the performance of his official duties and responsibilities, confidential, privileged, or other non-public information gained in the course of or by reason of his or her position or employment.
- (f) **Regulation of Business with which Official or employee is associated.** Whenever the City Council or a committee or other subdivision thereof, or any City Department, agency or board, commission, or any other body, undertakes consideration of any matter in which one of its members or employees has a financial interest, that member or employee shall refrain from all official activity regarding such matter and shall publicly state the nature and extent of his or her interest in the matter during any deliberation thereon. However, such an interested member or employee shall be considered present for purposes of establishing a quorum.
- (g) **Drug Testing.** Each elected official shall on two separate occasions each fiscal year, have a drug test performed at one of the hospitals with the results to be released to the official and to the Mayor of the City of Kankakee. If the results of any test are positive, the results and any remedial action will be discussed with and referred only to the City personnel officer.
- (h) **Post-employment Restrictions.** No person, having been an official or employee of the City of Kankakee, may represent any other person for compensation, before the City Council or a committee or other subdivision thereof, or before any City department, agency, board or commission, or in any court of law, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation or other particular matter involving a specific party or parties, in which the City of Kankakee is a party or has a direct and substantial interest, and in which that person participated personally and substantially during his or her



term of office or employment or in which that person acquired confidential or other non-public information.

- (i) **Contact with Developers.** Any member of the City Council or member of any board or commission having final or advisory jurisdiction over any development or land use issue shall comply with the following procedure when he or she is contacted in his or her capacity as a City official by a developer who is proposing a development or redevelopment requiring City approval:
  - (1) If a formal petition has not been filed or the formal review process has not yet been initiated:
    - (i) The contacted member shall refer the developer to the appropriate staff member who is assigned to review the type of development proposed by the developer.
    - (ii) If the contacted member desires to be involved in a meeting or telephone conference with the developer regarding the proposed development, that member may meet with the developer provided that an appropriate staff member is present at the meeting or is a party to the telephone conference.
  - (2) If a formal petition has been filed or the formal review process has been initiated:
    - (i) The contacted member shall inform the developer that because an application has been filed or the formal review process has begun, all contacts between developer and the contacted member shall be limited to contacts at official meetings or at review sessions which occur during the formal review process.
    - (ii) Notwithstanding the provisions of subsection (2) (i) if the developer informs the contacted member that a problem has arisen between the developer and a staff member relative to the proposed development, the contacted member may (A) listen to the problem, (B) relay the problem to the appropriate staff member, and either schedule a meeting between the developer and the Comptroller or the appropriate staff member to contact the developer. The contacted member may attend a meeting which he or she schedules pursuant to this subsection provided an appropriate staff member is present at the meeting.

#### **Sec. 2-225. Financial Disclosure**

Any official or employee required to file a financial disclosure statement pursuant to Illinois Governmental Ethics Act, as amended, shall, at the time the statement is filed with the County Clerk, also file a duplicate of such statement with the City Clerk.

#### **Sec. 2-226. Enforcement and Penalties**

- (a) **Disciplinary Action.** A finding that any public official or employee has violated any provisions of this ordinance shall constitute a cause for reprimand, censure, suspension, removal from office or employment, or other disciplinary action as may be appropriate; provided, however, that no such finding shall be made except after all process due under applicable federal, state, or local law is taken.
- (b) **Fines.** Any person found guilty of violating the provisions of this ordinance shall be subject to prosecution in a court of competent jurisdiction and fined not more than \$500.00 for each such offense;

provided this provision shall not be deemed to be a limitation on any act or omission punishable as an offense under the Illinois Criminal Code.

- (c) **Reconsideration of Transaction.** Any transaction which was the subject of an official act or action of the City in which any public official or employee has an interest prohibited by this ordinance, or which involved the violation of a provision of this ordinance, shall be officially reconsidered upon discovery, disclosure, or determination of such interest or violation.
- (d) **Powers and Duties.** The City Council shall have the following powers and duties regarding violations of this ordinance by members of the City Council including the Mayor, and all officials appointed by the Mayor and City Council to any agency, board, committee, commission, or other administrative body: including, but not limited to, the decision to take disciplinary action as outlined in Sec. 2-225 (a) above.
  - (1) To initiate and to receive complaints of violations of any of the provisions of this ordinance and to investigate and act upon such complaints as provided by this ordinance or other applicable law.
  - (2) To conduct investigations, inquiries, and hearings concerning any matter covered by this ordinance, and to certify the records in such proceedings, and to request the issuance of a subpoena in accordance with Illinois law. Appropriate discretion may be exercised in determining whether to investigate and whether to act upon any particular complaint or conduct. When necessary or required by law, assistance may be requested from other appropriate agencies.
  - (3) To promulgate rules for the conduct of investigatory proceeding, including procedural rules consistent with the requirements of due process of law.
  - (4) To render advisory opinions with respect to the provisions of this ordinance based upon a real or hypothetical set of circumstances, when requested in writing by an official or employee, or by a person who is personally and directly involved. Advisory opinions shall be made available to the public, but the identity of the person requesting the opinion and of any person whose conduct is involved in the set of circumstances described in the request for opinion shall be confidential.
- (e) **Disgorging Corporate Opportunity.** Any current or former official or employee shall, upon demand of the investigating agency, account for all benefits accruing to such official or employee as a result of any violation of the provisions of this ordinance. Any current or former official or employee receiving any such benefits in violation of any of the provisions of this ordinance shall disgorge such benefits. In the event that any such official or employee refuses to account for benefits received in violation of any of the provisions of this section, the investigating agency may seek legal recourse necessary to receive such an accounting and disgorgement and any other disciplinary remedy.

**Sec. 2-227. Disclosure of Interest.**

- (a) Whenever any official or employee has an ownership, employment, financial, or family interest in a proposed contract, business, or transaction with the City which interest is allowed under Sec. 2-223, such official or employee shall file with the City Clerk a written disclosure of interest statement on the Disclosure of Interest form.
- (b) Such written disclosure of interest statement shall be filed with the City Clerk not later than the call to order of the meeting at which action is contemplated or, when there is no such meeting, within 48 hours of the official's or employee's learning of an interest allowed under Section 2-223. (Ord. 93-23; 4-5-93).

**Sec. 2-227.01. Adoption of Act.**

The State Gift Ban Act, 5 ILCS 425 et seq, is hereby adopted as required by Section 83 of said Act.

The solicitation or the acceptance of gifts prohibited to be solicited or accepted under said Act is prohibited by any elected or appointed official or any employee of the City of Kankakee.

**Sec. 2-227.02. Ethics Officer.**

To the extent authorized by law and to the extent required by Section 35 of said Act, the Mayor of the City of Kankakee is authorized to appoint an ethics officer for the City of Kankakee. The ethics officer's duties shall be as provided in Section 35 of said Act.

**Sec. 2-227.03. State Legislative Ethics Commission Complaints.**

All complaints for violations of the Act and this Ordinance shall be filed with the State legislative ethics commission created by Section 45(a)(6) of said Act.

**Sec. 2-227.04. Existing Ethics Ordinance or Gift Ban Ordinance.**

This Ordinance does not repeal or otherwise amend or modify Article XVI, Section 2-221 through and including Section 2-227 of the Municipal Code of the City of Kankakee, which regulates the conduct of City officials and employees. To the extent that Section 2-221 through 2-227 is less restrictive than the State Gift Ban Act and this Ordinance, then the provisions and this Ordinance shall prevail in accordance with the provisions of Section 95 of said Act.

**Sec. 2-227.05. Future Amendments to the State Gift Ban Act.**

Any amendment to the State Gift Ban Act, 5 ILCS 425/1 et seq that becomes effective after the passage of this Ordinance shall be incorporated into this Ordinance by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Ordinance by reference without formal action by the corporate authorities of the City of Kankakee.

**Sec. 2-227.06. Future Declaration of Unconstitutionality of State Gift Ban Act.**

If the Illinois Supreme Court declares the State Gift Ban Act, 5 ILCS 425/1 et seq, unconstitutional in its entirety, then this Ordinance shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearings. The Ordinance shall be deemed repealed without further action by the corporate authorities of the City of Kankakee if the Act is found to be unconstitutional by the Illinois Supreme Court.

If the Illinois Supreme Court declares part of the State Gift Ban Act, 5 ILCS 425/1 et seq, unconstitutional, but upholds the constitutionality of the remainder of the act or does not address the remainder of the Act, then the remainder of the Act, as adopted by this Ordinance, shall remain in full force and effect however, that part of this Ordinance relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the corporate authorities of the City. (Ord. No. 99-55, Sec. 1, 6-21-99).

**ARTICLE XVII. SOCIAL SERVICES.**

**Sec. 2-228. Creation of Department of Social services.**

There is hereby created an executive department to be known as the Social Services Department.

**Sec. 2-229. Responsibility and Scope of Director of Social Services.**

- (a) The Social Services Department shall be responsible for providing social services to the residents of the City of Kankakee, including, but not limited to:
- (1) assisting victims of crime
  - (2) referrals to other social service agencies
  - (3) advocacy for victims of crime
  - (4) mediation of neighborhood disputes
  - (5) mediation of post-divorce controversies
  - (6) crisis intervention
  - (7) assisting with crime victims compensation claims(8) supervising court monitoring program.
  - (9) conducting Parenting class for families undergoing dissolution of marriage.
- (b) Other social services may be provided at the direction of the Director of the Department of Social services.

**Sec. 2-230. Personnel.**

The head of the Social Service department shall have the title "DIRECTOR OF SOCIAL SERVICES" and shall be appointed by the Mayor, subject to the approval of the City Council.

**Sec. 2-231. Reports to City Council.**

The Director of Social Services shall report on the activities of the Department to the City Council from time to time as shall be required by filing such reports with the chairman of the Police and Fire committee as required. (Ord. No. 9950, Sec. 2-228 - 2-231, 6-7-99).

**ARTICLE XVII. BOARD OF LOCAL IMPROVEMENTS**

**Sec. 2-232 Board of Local Improvements; established; meeting**

A Board of Local Improvements is hereby created consisting of the Mayor and the City Engineer. In the event that the Mayor is unable to serve, his place shall be taken by the most senior alderman. The Board shall meet on or before June 1, 2006 for the purpose of establishing and determining the boundaries and purposes of any special assessment districts. (Ord. 06-31; 5/15/06)

State Law reference – 65 ILCS 5/9-2-7

**ARTICLE XIX- CITY INSPECTOR**

**Sec. 2-240 City Inspector; established; appointment.**

There is hereby established the office of City Inspector. The City Inspector shall be appointed by the Mayor with the advice and consent of the City Council.

**Sec. 2-241 City Inspector; duties.**

The City Inspector shall be a conservator of the peace and shall have the following powers and duties:

- (1) to perform routine investigations of complaints by citizens against City employees;
- (2) to conduct performance audits of City functions to assure integrity of processes used by each agency;
- (3) to prepare reports of audits and investigations for the Mayor and for department heads;
- (4) to maintain files of investigations and audits;
- (5) to provide responses to citizens regarding the results of investigations in which they are directly involved;
- (6) to confer with the Mayor and department heads to make recommendations regarding remedial actions;
- (7) to meet with individual citizens and groups regarding a complaint process;
- (8) to establish a complaint process for citizens complaints regarding City employees;
- (9) to identify training needs as a result of investigation or audit;
- (10) to provide investigative assistance to the law department.
- (11) such other related duties as directed by the Mayor, corporation counsel or Chief of Police or fire chief.

**Sec. 2-242 City Inspector - Removal from office; compensation.**

The City Inspector shall serve at the discretion of the Mayor and may be removed from office at the will of the Mayor. The City Inspector shall receive such compensation for his or her services as determined by the corporate authorities. The City Inspector may be appointed as a part-time position.

**Sec. 2-243 City Inspector - Qualifications.**

The City Inspector shall be a resident of the City of Kankakee, shall have prior knowledge and experience with investigative procedures and techniques.

**Sec. 2-244 Bond for City Inspector.**

The City Inspector shall, at the time of his appointment execute to the City a bond in the amount to be established by the corporate authorities with sureties to be approved by the corporate authorities and conditioned as required by law.

**Sec. 2-245 Effective date.**

This ordinance shall be in full force and effect upon its passage. (Ord. No. 99-60, Sec. 2-230 - 2-235, 6-21-99)

**ARTICLE XX. CRITERIA TO BE FOLLOWED BY THE CITY COUNCIL  
IN MAKING DONATIONS TO CHARITABLE GROUPS**

**Sec. 2-246 Criteria**

No donations shall be made from the City of Kankakee funds to charitable groups unless the following criteria are met, to wit:

1. Any request of City a donation shall first show proof in the form of a certificate or letter of compliance from the Federal Internal Revenue agency indicating that said group is in compliance with Section 501c(3) of the Internal Revenue Code.
2. Any such donation shall not exceed the sum of \$250.00 in any City fiscal year,
3. No donation shall be grated to a religious group to promote its doctrines.
4. The total amount of donation made by the City to such groups shall not exceed the City's line item appropriations established for that purpose. (Ord. 13-34, 6-17-13)

## **ARTICLE XXI. CRITERIA AND PROCEDURES TO BE FOLLOWED BY THE CITY COUNCIL WHEN IT DESIGNATES AN HONORARY STREET NAME**

### **Sec 2-247      Criteria**

When a request is made to place an honorary name on a particular street in the City of Kankakee, the following policy shall apply:

1. Honorary street names shall be restricted to individuals, organizations, entities, or events of local significance to the City of Kankakee.
2. Said request shall be in writing and contain the following information:
  - a. For whom or what the request is being made;
  - b. The reason for the recommendation. Applicants shall complete a short essay of approximately 500 words that provide justification for the proposed honorary designation.
  - c. The location of the proposed honorary street name designation.
  - d. The exact proposed wording of the designation.
3. Criteria to be considered by the Mayor and City Council in determining whether to grant any requested designation shall be as follows:
  - a. Whether the designee has made a significant contribution to the historical, political, cultural, educational, artistic, athletic or economic fabric of the City of Kankakee;
  - b. Petition requesting the designation must be signed by at least 60% of the homeowners/residents in the area of designation;
  - c. All designations shall be reviewed every ten (10) years to determine whether to continue the designation.
  - d. The request shall be reviewed by the Ordinance Committee prior to City Council approval;
  - e. Petitioner or Petitioners shall cover all cost of designation signage and installation;

- f. Designee shall reside or have resided in the Kankakee community.

## **ARTICLE XXII. OFFICE OF COMMUNICATIONS AND COMMUNITY RELATIONS**

### **Sec. 2-248 Creation of the Office of Communications and Community Relations**

The office of Office of Communications and Community Relations is hereby created, which office shall be filled by appointment of the Mayor with the advice and consent of the City Council.

### **Sec. 2-249 Duties of the Office**

The duties of the office of Director of Office of Communications and Community Relations shall be as follows:

- a. Work with IT department to update and maintain the city's website;
- b. Collaborate with city departments to plan, coordinate, and facilitate events;
- c. Increase government transparency via communications;
- d. Serve as POC in messaging the vision and agenda of the administration;
- e. Create flyers and other marketing materials to promote the city's events;
- f. Strengthen relationships with community stakeholders, neighborhoods, schools, g. and civic organizations;
- h. Serve as a representative on the Mayor's behalf at events;
- i. Assist in oversight of the Community Promotions Budget;
- j. Recruit and oversee interns from regional academic institutions;
- k. Assist with development and facilitation of scholarship and internship/mentorship
- l. program for youth;
- m. Identify and secure funding for community initiatives;
- n. Support and expand cultural activities within the city;
- o. Staff the Mayor at functions and document events;
- p. Attend city council, department head, and other meetings as assigned; q. Other duties as assigned.

### **Sec. 2-250 Minimum Skills Required**

The minimum skills required of the office of Director of Office of Communications and Community Relations shall be as follows:

- a. Minimum of a bachelor's degree in communications, journalism, marketing, or a related field of study;
- b. Experience working for an elected official or in a government office;
- c. Demonstrated leadership skills;
- d. Strong written and oral communication skills;
- e. Ability to collaborate with multiple city departments on projects;
- f. Strong organizational and administrative skills;
- g. Strong time-management skills – able to work on multiple projects and meet deadlines; h. Photoshop and photography skills;
- i. Competency in computer programs: Word, Excel, PowerPoint.

**This Ordinance shall be in full force and effect on its passage and publication in accordance with law.**

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